

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1201 of 2025

Arising Out of PS. Case No.-307 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Ajay Keshari @ Ajay Kumar Keshari S/o Late Uma Shah R/o Vill.-
Kuwarganj, Mohania, P.S.- Mohania, Distt.- Kaimur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv. Ms. Alka Singh, Adv. Mr. Shivam Singh, Adv. Mr. Kumar Vikram, Adv.
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mohania P.S. Case No. 307 of 2024 instituted for the offences
under Sections 8(c), 21(a) of the N.D.P.S. Act, 1985.

3. As per prosecution case, the police has recovered
3.120 grams of heroine from the possession of the co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
out of grudge, malice and politics. The name of the petitioner
has surfaced in this case on this basis of the disclosures made by



the apprehended co-accused Abhishek. He further submits that except the statement of the co-accused, there is nothing adverse against the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has never indulged in the trade of heroin. The quantity of the recovered contraband below the small quantity and, hence, the rigors of Section 37 is not attracted in this case. There is also no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no concern with the seized contraband. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 12.11.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also the quantity of the contraband being below the small



quantity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mohania P.S. Case No. 307 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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