

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4010 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- HABIBPUR District- Bhagalpur

Chandra Shekhar Das @ Chandan Das S/o Mahesh Das R/o vill -
Kashimbagh, P.S. - Habibpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paritosh Parimal, Adv.
Ms. Anita Kumari Singh, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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

ORAL ORDER

2 30-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 79 of 2024 arising out of Habibpur P.S. Case
No. 134 of 2024 instituted for the offences under Sections 20
and 22 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 11 gram Brown Sugar and Rs. 6700/- cash from the
Veranda of the house of the petitioner.

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.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The quantity of alleged contraband recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no concern with the seized contraband. So far the recovery of Rs. 6700/- is concerned, the same belongs to the petitioner. 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 three criminal antecedents and, in all of them, he is on bail. The petitioner was apprehended on 31.07.2024 but, he was remanded to judicial custody on 01.08.2024 and, since then, he is in judicial custody without any rhymes or reason. Charge-sheet has been submitted in this case under Sections 20 & 22 of the N.D.P.S. Act.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 and the quantity of contraband which is below the commercial 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 N.D.P.S. Case No. 79 of 2024 arising out of Habibpur P.S. Case No. 134 of 2024.

(Rudra Prakash Mishra, J)

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