

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1357 of 2025

Arising Out of PS. Case No.-565 Year-2024 Thana- ARARIA District- Araria

Santosh Kumar Gupta S/o- Chandra Kishore Prasad Gupta Village- Balutola
Road Brahm Sthan Chowk, Nagar Parisad Ward No 15, Ps-Supaul, Dist-
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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

ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Araria
P.S. case No. 565 of 2024 instituted for the offences under
Sections 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that the police has
recovered total 21.400 Kg. Ganja from the possession of the
accused persons including the petitioner. It is alleged that the
police has recovered 07.130 Kg. Ganja from the possession of
the present petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submits that in this case, four



different seizure lists were prepared by the police. Charge-sheet has been submitted in this case. Petitioner is in custody since 13.11.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no Forensic Science Laboratory Report on record showing the seized substance to be Ganja. The contraband recovered from the possession of the petitioner is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. He further submits that the similar situated co-accused Vinod Kumar Paswah has already been granted bail by this Court vide order dated 06.02.2025 passed in Cr. Misc. No. 5298 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, the period of custody undergone by the petitioner, the quantity of contraband recovered from the possession of the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner 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 Araria P.S. case No. 565 of 2024.

(Rudra Prakash Mishra, J)

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