

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6713 of 2025

Arising Out of PS. Case No.-898 Year-2024 Thana- SASARAM NAGAR District- Rohtas

ALTUMAS @ JAID ALI@ALATAMAS S/O NIYAZ ALI ANSARI R/O
VILL.- PETHIYANW, P.S- CHENARI, DIST- ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ojaswee Kumari, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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

ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sasaram Town P.S. Case
No. 898 of 2024 instituted for the offences under Sections 21,
23, 25, 25A, 27(a), 29, 30, 32 of the NDPS Act and 25(1-b)a,
26, 35 of the Arms Act.

3. As per FIR, the informant has alleged that on
01.11.2024 at about 5.00 0' clock, on the basis of secret
information, he along with others raided in the house of Rohan
Chandravanshi. On seeing the police, one person tried to flee
away, who was caught. On query, he disclosed his name
Altumas (petitioner herein) and also disclosed that he and his
associates Rohan Kumar @ Rohan Chandravanshi, Vikas



Kumar @ Appu, Anurag Raj were illegally selling heroin in Sasaram locality. It is further alleged that on raiding the house of Rohan, informant caught Rohan Kumar @ Rohan Chandravanshi, Gandhi Kumar, Yash Kumar, Kundan Kumar and Vikkiy Kumar @ Mangru. During search, 930 grams, 722 grams and 233 grams heroin along with live cartridges etc. have been recovered from various places at the instance of accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 03.11.2024 and has two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that although huge amount of contraband has been recovered but the same has been recovered from co-accused persons and, in fact, no recovery of contraband has been made from the conscious possession of the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned A.P.P. has further submits that on perusal



of the FIR, it is evident that the recovery of huge amount of contraband has been made at the instance of the petitioner and, therefore, the involvement of the petitioner in sale and purchase of the seized contraband cannot be ruled out, and therefore, the petitioner may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act as also the petitioner being a party to the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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