

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1303 of 2025

Arising Out of PS. Case No.-262 Year-2024 Thana- KORHA District- Katihar

Shiv Shankar Paswan Son of Late Manik Lal Paswan Resident of village
-Korha Paswan Tola, PS- Korha District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, 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 Korha
P.S. Case No. 262 of 2024 (Special NDPS Case No. 70 of
2024) instituted for the offences under Sections 8(c) and 21(b)
of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per prosecution case, the police has recovered 16
gram Smack from the possession 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. He



again submits that the alleged recovered article cannot be said to be Smack because the F.S.L. report has not been received. The charge-sheet has been submitted without F.S.L. report and cognizance was also taken in the present case. The quantity of the recovered contraband is above the small quantity but below the commercial quantity and, 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. 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 one criminal antecedent and is languishing in judicial custody since 24.09.2024 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 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 considering 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 Special NDPS Case No. 70 of 2024 arising out of Korha P.S. Case No. 262 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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