

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4408 of 2025

Arising Out of PS. Case No.-536 Year-2024 Thana- RANIGANJ District- Araria

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Jasim S/o- Naim Sah R/o- Rajokhar W.No-6, Ps- RS Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-02-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with

Raniganj P.S. Case No. 536 of 2024 instituted for the

offences under Sections 8/21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total 11.08 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 at all

as alleged against him rather he has falsely been implicated in

the present case only on the basis of suspicion as also with a

view to cause harassment. He further submits that nothing



incriminating has been recovered from the conscious/physical possession of the petitioner. The petitioner has no concern with the seized contraband. Learned counsel for the petitioner submits that the seized contraband is less than commercial quantity, therefore, there is no rider of section 37 of the NDPS Act in allowing the bail application. There is also non-compliance of mandatory provisions of Section 42 and 50 of the N.D.P.S. Act. 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 no criminal antecedent and is languishing in judicial custody since 30.11.2024 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.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also the recovered



contraband being 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 Raniganj P.S. Case No. 536 of 2024.

(Rudra Prakash Mishra, J)

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