

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3223 of 2025

Arising Out of PS. Case No.-714 Year-2024 Thana- BIDUPUR District- Vaishali

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Gajendra Rai Son of Jawahar Rai Resident of Village- Bidupur Ganinath,
P.S.- Bidupur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

ORAL ORDER

5 20-06-2025 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bidupur
P.S. Case No. 714 of 2024, instituted for the offences punishable
under Sections 8, 20(b)(ii)(B) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 172.41 grams “Kota” drugs from the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner has got no concern



with the alleged recovery of Kota drugs. The recovery has been made from the joint house of the petitioner and not from the possession of the petitioner where other family members also reside. The petitioner is in custody since 11.11.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and has filed a counter affidavit in the matter stating that Kota drugs is also known as Smack/Heroin and recovery of the same is 172.41 gram which is below the commercial quantity.

6. In view of the above, learned counsel for the petitioner further submits that the recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case.

7. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Bidupur P.S. Case
No. 714 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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