

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3097 of 2025**

Arising Out of PS. Case No.-89 Year-2024 Thana- GALGALIYA District- Kishanganj

Bappa Rai @ Bappa Roy @ Bappa Ray S/O Chandan Roy R/O Village-
Bhagibhitha, P.S- Phansidewa, Distt.- Darjeeling (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Galgalia P.S. Case No. 89 of 2024 instituted for the offences
under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 91.4 grams of morphine along with two mobile phones
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 due to highhandedness of the police. He further



submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged contraband. The quantity of contraband recovered is less than the commercial quantity. 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. 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 28.11.2024 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.

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 and the petitioner having no criminal antecedent, 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 Galgalia P.S. Case
No. 89 of 2024.

(Rudra Prakash Mishra, J)

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