

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2868 of 2025

Arising Out of PS. Case No.-195 Year-2024 Thana- GAMAHARIYA District- Madhepura

Rohit Kumar, S/O Arvind Kumar, R/O Kamalpur, Ward No.-01, P.S-
Dhailadh, District- Madhepura, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Prabhakar, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gamhariya P.S. Case No. 195 of 2024, registered on 30.09.2024 for the alleged offences under Sections 8(c)/21(b)/22 of NDPS Act.

3. As per prosecution case, police received secret information about co-accused Naresh Kumar Yadav receiving the contraband smack at his shop from some persons. A raid was conducted and the petitioner and other co-accused persons were apprehended from the identified place. From the back side of the shop 100 gms of smack was recovered apart from Rs.1,17,500/- in cash. From the petitioner, recovery of one mobile phone was made. Similar recovery of mobile phones were made from other co-accused persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner happened to be present near the shop and he was apprehended on suspicion and except suspicion there is nothing against the petitioner. Learned counsel further submits that it is apparent from the FIR that nothing incriminating has been recovered from the person or possession of this petitioner except one mobile phone. But the said mobile phone belongs to this petitioner. The petitioner has no concern with the allegedly recovered smack and it is clear from the FIR as well as seizure list that the recovery of contraband smack, scale and money was made from the shop of co-accused Naresh Yadav. The petitioner is in custody since 01.10.2024 and is having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner was present at the shop from where recovery of 100 gms smack was made.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation coupled with no recovery of any



narcotic drugs and psychotropic substance from the petitioner, the petitioner above named is directed to 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 learned Additional District & Sessions Judge-I -cum- Special Judge, Madhepura /concerned Court in connection with Gamhariya P.S. Case No. 195 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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