

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6228 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Suraj Kumar S/o Vidyanand Mahto @ Vidya Nand Noniya R/o Village-
Noniya Tola, Makkhachak, P.S.- Bakhri, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 35 of 2024 arising out of Muffasil P.S. Case No. 280 of 2024, registered for the alleged offences under Sections 123 and 275 of Bharatiya Nyaya Sanhita, 2023 and Sections 8, 20(B)(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, petitioner and co-accused were apprehended when their vehicle was intercepted on a tip off that some miscreants were carrying psychotropic substance and illegal firearms. On search of Tata Ace Pick up vehicle, recovery of 500 gram of *Ganja* apart from 28 bags containing



Pan Masala, 5 bags containing *Vimal Patti* and 5 bags containing sweet *supari* was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not the owner of the pick-up vehicle and the recovery of 500 gram of *Ganja* was shown from the vehicle, which is below the notified small quantity. There is no other contraband seized from the vehicle. From the contents of the FIR, it is apparent that the petitioner and others co-accused persons have been made accused only due to non-fulfillment of demand of illegal gratification by the police. The learned Additional Sessions Judge did not consider the fact about recovery of less than the notified small quantity and rejected the prayer for bail. Learned counsel further submits that the petitioner is having antecedent of four cases of different nature in which he has been falsely implicated and is on bail in all those cases. The petitioner is in custody since 05.07.2024 and charge-sheet has been submitted.

05. Learned APP for the State though opposes the prayer for bail but he concedes that the quantity of recovered contraband is less than the notified small quantity.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the recovery of less than small quantity of contraband and further considering the period of custody of the petitioner along with submission of charge-sheet, 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 Sessions Judge-I-cum-Special Judge, N.D.P.S. Act, Begusarai/court concerned in connection with N.D.P.S. Case No. 35 of 2024 arising out of Muffasil P.S. Case No. 280 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 bond of the petitioner will be liable to be cancelled by the court concerned.

07. Let the matter be placed before Hon'ble the Acting Chief Justice for consideration and for corrective measures on administrative side since refusal of bail by the trial



courts in such cases involving small/less than small quantity of
contraband puts unnecessary and completely avoidable burden
on the precious time of the High Court.

(Arun Kumar Jha, J)

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