

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6122 of 2025

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

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Akhilesh Kumar S/O Lagandev Rai Resident Of Village- Chechak Kutubpur,
PS- Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

4 06-05-2025 Heard Mr. Ravish Mishra, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

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

3. Prosecution case, in short, is that total 185.14 grams
of kota drugs have been recovered in this case, out of which
12.73 grams kota drugs has been recovered from this petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case. Petitioner is in custody since 11.11.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. 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. Learned APP further submitted that he has filed counter-affidavit in the matter and in paragraph no. 7 of the said counter-affidavit, he has specifically mentioned that kota drugs are also known as smack/heroin as defined in the NDPS Act at Serial No. 56 and the same is below the commercial quantity.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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)

Alok Verma/-

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