

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8576 of 2025

Arising Out of PS. Case No.-601 Year-2024 Thana- SUPAUL District- Supaul

Rajaram Jha S/O Shanbhunath Jha @ Shambhunath Jha R/O Village- Sukhpur
ward no.- 10, P.S- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

3 11-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 77 of 2024 arising out of Supaul P.S. Case No. 601 of
2024 instituted for the offences under Sections 8(c), 21(b), 29 of
the N.D.P.S. Act and 25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution case, in short, is that, one loaded
country-made pistol along with one live cartridge has been
recovered from co-accused, namely, Mintu Kumar whereas
fourty-one packets of smack weighing 10 grams has been
recovered from co-accused, namely, Ashish Kumar Singh.

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 10.09.2024, having two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating material has been recovered from the physical possession of the petitioner. Petitioner has no concern with the recovered arms and ammunitions. Learned counsel for the petitioner referring to the impugned order submitted that the recovered smack is 10 grams which is above the small quantity but below the 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 Section 42 and 50 of the N.D.P.S. Act. Other co-accused have been granted bail by this Court vide order dated 13-02-2025, passed in Cr. Misc. no. 6002 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 petitioners, 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 NDPS Case No. 77 of 2024 arising out of Supaul P.S. Case No. 601 of 2024, subject to the following conditions:

- (I) One of the bailors shall be own/close member of the family of the petitioner.
- (II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.
- (III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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