

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10117 of 2025

Arising Out of PS. Case No.-197 Year-2024 Thana- FALKA District- Katihar

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Rohit Kumar S/O Uttam Singh Resident of Village - Lalisinghiya P.S- Falka, Dist-
Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Shadab S/O Md. Sakil Resident of Mohalla -Pakki Talab P.S- Lehari, Dist-
Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Narayan Yadav, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner is in custody in connection with
N.D.P.S Case No.88 of 2024 arising out of Falka P.S. Case
No.197 of 2024 registered for the offences punishable under
Section 8(C), 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, the informant after
getting a secret information went to raid with his raiding party
and reached at Markoshi Bahiyar Falka and arrested the accused
petitioner. On search total 6.17 grams of smack recovered from
the conscious possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He further
submits that total recovered smack is in small quantity. He
further submits that there in no independent evidence against the



petitioner. He further submits that petitioner is in custody since 20.11.2024 and he has got one criminal antecedent in which he is on bail as stated in para-3 of the bail petition.

5. However, learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the First Information Report, case diary and impugned order dated 07.01.2025, it appears that total 6.17 grams of smack recovered from the conscious possession of the petitioner and also the fact that petitioner has got one criminal antecedent which has been registered for the same offence in Falka P.S. Case No.326 of 2023 under Section 8, 20, 22 of the N.D.P.S. Act, which is evident from para-14 of the case diary and it appears that petitioner has concealed the offence of his criminal antecedent in para-3 of the present bail petition, so considering all facts and circumstances of the case and submissions made on behalf of both the parties, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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