

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4883 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- NAKARDEI District- East Champaran

Vishal Kumar Gupta, Son of Ramesh Prasad Gupta R/O- Village- Birganj,
Distt. - Parsa (Nepal)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Usha Kumari, Advocate.

For the State : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nakardei P.S. Case No.50 of 2024 dated 10.12.2024, N.D.P.S. G.R. Case No. 114 of 2024 registered for the offences punishable under Sections 8(c), 21(a) and 29 of the N.D.P.S. Act.

3. As per allegation four Motorcyclists including the petitioner were apprehended and on search, total 2.78 gram brown sugar was recovered from their possession including 75 mg. brown sugar from the petitioner. On interrogation, they admitted that they were carrying the contraband for their personal consumption.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. She further submits that search and seizure has not been made as per law as provided in NDPS Act. She further submits that even total amount of the contraband recovered from all the four accused are less than small quantity and from the personal possession of the petitioner it is only 75 mg. brown sugar which is minuscule part of the small quantity.

5. She further submits that the petitioner has been languishing in jail since 11.12.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs.10,000 - (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/ Special Judge, East Champaran, Motihari in connection with Nakardei P.S. Case No.50 of 2024, N.D.P.S. G.R. Case No. 114



of 2024 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

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(Jitendra Kumar, J)

