

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7162 of 2025

Arising Out of PS. Case No.-195 Year-2024 Thana- GAMAHARIYA District- Madhepura

1. Raja Kumar S/O Sri Radhe Shyam Yadav Resident of Vill.- Simrahi Parsarama ward no. 7, P.S.- Raghapur, Dist.- Supaul
2. Manish Kumar S/O Sri Bhameshwar Yadav @ Bhuwnwshwar Yadav Resident of Vill.- Simrahi Parsarama ward no. 7, P.S.- Raghapur, Dist.- Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Gamharia P.S. Case No. 195 of 2024, registered on 30.09.2024 for the alleged offences under Sections 8(c)/21(b)/22 of Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, police received secret information about co-accused Naresh Kumar Yadav receiving the contraband smack at his shop from some persons. A raid was conducted and the petitioner and other co-accused persons were apprehended from the identified place. From the back side of



the shop 100 grams of smack was recovered apart from Rs.1,17,500/- in cash. From the possession of petitioner no. 2 recovery of one mobile phone was made. Similar recovery of mobile phones were made from some of the other co-accused persons.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioners happened to be present near the shop and they were apprehended on suspicion and except suspicion there is nothing against the petitioners. Learned counsel further submits that it is apparent from the FIR that nothing incriminating has been recovered from the person or possession of these petitioners except one mobile phone from the petitioner no. 2. But the said mobile phone belongs to the petitioner no.2. The petitioners have no concern with the allegedly recovered smack and it is clear from the FIR as well as seizure list that the recovery of contraband smack, scale and money was made from the shop of co-accused Naresh Yadav. The petitioners are in custody since 01.10.2024 and they are having clean antecedent. Charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for



bail. Learned APP submits that the petitioners were present at the shop from where recovery of 100 gms smack was made.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation coupled with no recovery of any narcotic drugs and psychotropic substance from the petitioners and further considering period of custody of the petitioners and their clean antecedent along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I -cum- Special Judge, Madhepura /concerned Court in connection with Gamharia P.S. Case No. 195 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 petitioners.
- (ii) The petitioners 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 petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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