

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11684 of 2025

Arising Out of PS. Case No.-689 Year-2024 Thana- DIGHA District- Patna

Prakash Kumar @ Pramod @ Pramod Kumar, S/O Late Sukhdeo Prasad,
Resident of village- Daulatpur, P.S.- Bhagwan Bazar, District- Chapra at
present Resident of village- Bansh Kothi, Gate No.- 93, P.S.- Digha, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Special Case (NDPS) No.187/2024, arising out of Digha P.S. Case No. 689 of 2024, registered for the alleged offences under Sections 8/20 (b) (ii) (A) 22 of NDPS Act.

3. As per prosecution case, the police received secret information about a person keeping *ganja* in his *gumti* (shop). A raid was conducted and the person tried to flee away from the spot with a blue colour bag, but he was apprehended by the police. The petitioner is the apprehended person and from his possession, a bag containing 730 grams of ganja was recovered.

4. The learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person/possession of this petitioner. The learned counsel further submits that recovered contraband is below the small quantity and since recovered contraband is below the small quantity, it is a bailable offence and the petitioner should have been enlarged on bail by the police itself rather even the learned Special Judge, NDPS has also rejected his bail application. The learned counsel further submits that there has been complete violation of Section 50 of the NDPS Act. The petitioner is having criminal antecedent of two cases and he is on bail in both the cases. The petitioner is in custody since 30.09.2024 and the charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. However, the learned APP concedes that the quantity of recovered contraband is less than the notified small quantity.

6. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the less than small quantity of contraband seized and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is



directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (NDPS) Act, Court No.1, Patna, in connection with Special Case (NDPS) No. 187 of 2024, arising out of Digha P.S. Case No.689 of 2024, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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