

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11136 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- DHAMDAHA District- Purnia

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Dilkhush Kumar @ Dilkhush Mehta @ Kaju S/O Shiv Kant Mehta @
Shivakant Singh @ Srikant Mehta R/O Village- Thakurbari Tola, Dhamdahah,
Ward No. 11, P.S- Dhamdahan, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with SPL
(NDPS Act) P.S. Case No. 119 of 2024 arising out of Dhamdaha
P.S. Case No. 142 of 2024 instituted for the offences under
Sections 8(c), 21(a) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 40.50 Grams of Smack (Brown Sugar) from the house of
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. At the time of search, neither other family members nor the petitioner was present in the house. The petitioner has no concern with the seized contraband. The quantity of contraband recovered is less than the commercial quantity. 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. There is also non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 21.07.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner.

5. Learned counsel for the petitioner again submits that the co-accused namely Manju Devi has been granted bail by this Court vide order dated 16.01.2025 passed in Cr. Misc. No. 90117 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the quantity of contraband being below the commercial



quantity, let the petitioner, abovenamed, 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 SPL (NDPS Act) P.S. Case No. 119 of 2024 arising out of Dhamdaha P.S. Case No. 142 of 2024 , subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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