

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11925 of 2025**

Arising Out of PS. Case No.-2 Year-2025 Thana- Kalibagh District- West Champaran

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Raushan John Son of Late Basko Joun @ Late John Basko Resident of  
Village - Indrapuri Colony, Bettiah, P.S.- Bettiah, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate  
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

ORAL ORDER

2      04-03-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Kalibagh P.S. Case No. 02 of 2025 instituted for the offences  
under Sections 21(b), 23(b), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 50 sachets of  
smack (gross weight 20.050 grams) has been recovered in this  
case.

4. Learned counsel for the petitioner submitted that the  
petitioner has falsely been implicated in the present case.  
Petitioner is in custody since 02.01.2025 and has no criminal  
antecedent. There is no allegation of tampering of witnesses



alleged against the petitioner. Learned counsel further submitted that recovery has been made from the co-accused Anit Devi who disclosed that she purchased the said narcotic substance from this petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Except the disclosure made by the co-accused, there is no cogent material against the petitioner to establish his involvement in the alleged offence. The recovered contraband is above the small quantity but below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovered narcotic substance being less than commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Kalibagh P.S. Case



No. 02 of 2025.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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