

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14436 of 2025

Arising Out of PS. Case No.-447 Year-2024 Thana- UCHKAGAON District- Gopalganj

Pawan Kumar Son of Dhananjay Singh @ Dhananjay Prasad Resident of
Village - Arna, P.S. - Uchakagaon, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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

ORAL ORDER

2 17-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Uchakagaon P.S. Case No. 447 of 2024 instituted for the
offences under Sections 8 and 21 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 11.950 gram smack like narcotic substance including one
mobile phone with sim-card from the possession 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.
The petitioner has not committed any offence as alleged in the



F.I.R. He further submits that the petitioner was not apprehended at the place of occurrence and, as such, nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Learned counsel for the petitioner has canvassed that the quantity of contraband article smack recovered from the possession of the petitioner is of course more than the small quantity, but less than the commercial quantity and, hence, Section 37 of the N.D.P.S. Act is not attracted in the present case. The petitioner has been in custody since 30.12.2024 and has no criminal antecedent. He further submits that the recovered mobile belongs to the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S.

5. Learned Public Prosecutor has opposed the bail application on the ground that keeping any contraband article like that of smack in possession is offence of grave nature. The petitioner is named in the F.I.R. The offence alleged is serious in nature and, hence, the petitioner does not deserve bail.

6. Having considered the rival submissions of the learned counsel for the parties and taking into account the



aforesaid seized quantity of contraband which is more than the small quantity but less than the commercial quantity, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, above named, 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 Uchakagaon P.S. Case No. 447 of 2024.

(Rudra Prakash Mishra, J)

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