

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15589 of 2025

Arising Out of PS. Case No.-644 Year-2024 Thana- ARA NAGAR District- Bhojpur

1. Kamlesh Mali @ Kamlesh Bhagat Son of Shiv Dat Mali Resident of Village- Pakharia, P.S.- Ara Muffasil, District- Bhojpur
2. Vicky Mali Son of Bishwanath Mali Resident of Village- Pakharia, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

2 20-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Ara Nagar P.S. Case No. 644 of 2024 instituted for the offences under Sections 8(c), 21(b), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 24.25 grams of heroine like substance has been recovered in this case.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioners are in



custody since 02.10.2024. Learned counsel further submitted that petitioner no. 1 has two criminal antecedents whereas petitioner no. 2 has one criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the house of Shyam Babu Mali. The recovered contraband is above the small quantity but far 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 Section 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 petitioners.

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 petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Court below/concerned Court in connection with Ara Nagar P.S. Case



No. 644 of 2024.

(Rudra Prakash Mishra, J)

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