

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18259 of 2025

Arising Out of PS. Case No.-258 Year-2024 Thana- BHAWANIPUR District- Purnia

Pardeep Kumar @ Pardip Kumar S/o Umesh Mandal Resident of Bhawanipur
ward no 4, PS- Bhawanipur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhawanipur P.S. Case No. 258 of 2024, instituted for the
offences punishable under Sections 8(c) and 21(b) of the
N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 14.64 gram smack from the possession of two co-accused
persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has got no concern with the alleged recovery of smack. He further submits that the quantity of the contraband is above the small quantity but below the commercial quantity and, hence, Section 37 of the N.D.P.S. Act is not attracted in the present case. The petitioner is in custody since 14.12.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that the co-accused Anoj Yadav @ Anoj Kumar Yadav has already been granted bail by this Court vide order dated 19.02.2025 passed in Cr. Misc. No. 8769 of 2025.

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, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner as also the prayer for being based on parity, 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 Bhawanipur P.S.
Case No. 258 of 2024.

(Rudra Prakash Mishra, J)

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