

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15800 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- KATIHAR MUFFASIL District- Katihar

Raju Kumar S/o Ganga Prasad R/o Sirsa, PS- Katihar, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in Muffasil P.S. case No.
13 of 2025 instituted for the offences under Sections 8(B) and
21(c) of N.D.P.S. Act.

3. Prosecution allegation, in short, is that total 0.19
gram smack and 6.56 gram ganja have been recovered out of
which 1.57 gram ganja along with one mobile has been
recovered from the petitioner while 0.19 gram smack and 4.99
gram ganja has been recovered from co-accused Vishnu Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case due to local politics only to harass the petitioner.



The petitioner is in custody since 21.01.2025 and has got no criminal antecedent. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that only 1.57 ganja has been recovered which is below the small quantity. 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. This Court gathers from perusal of the F.I.R. as well as seizure list that only 0.19 gram smack and 6.56 gram ganja have been recovered, which though falls under the ambit of small quantity but F.I.R. has been registered under Section 21(c) of the N.D.P.S. Act, although it ought to have been *prima facie* registered under Section 21(a) of the N.D.P.S. Act. Further, this Court is of the view that Section 21(a) of the N.D.P.S. Act is bailable offence, so, provisions of law needs to be examined in detail. However, for the present, in the interest of justice, this Court is inclined to grant bail to the petitioner considering the period of custody undergone by the petitioner and the recovery below small quantity.



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 Muffasil P.S. case No. 13 of 2025.

8. For better appreciation of provisions of law, the matter is adjourned to be listed on 10.04.2025 under the heading 'To Be Mentioned'.

9. Ms. Vaishnavi Singh, Advocate AUIN No. 100263 is appointed as Amicus Curiae for assisting the Court.

10. Office is directed to insert the name of Ms. Vaishnavi Sinigh as Amicus Curiae in the cause list and also directed to provide all necessary documents to her.

(Rudra Prakash Mishra, J)

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