

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18113 of 2025**

Arising Out of PS. Case No.-1 Year-2025 Thana- BALIA BELON District- Katihar

Roshan Kumar @ Raushan Kumar Das S/O Manoj Kumar Das R/O Vill.-
Dhangl, P.S.- Balia Belon, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2 26-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Balia
Belon P.S. Case No. 01 of 2025, instituted for the offences
punishable under Sections 8(c) and 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 3.04 gm smack from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner has got no concern
with the alleged recovery of smack. It is further submitted that



the petitioner was a passerby of that way and was arrested on the basis of suspicion. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 08.01.2025 and has got no criminal antecedent. 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, the recovered contraband being below the small quantity and 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 Balia Belon P.S. Case No. 01 of 2025.

8. In the present case *prima facie* this Court is of the view that since the recovery is below the small quantity, hence, it is a bailable offence and for better appreciation of provisions of law, one matter i.e. Cr. Misc. No. 15800 of 2025 has been listed on 10.04.2025 under the heading “To Be Mentioned”.



9. Put up this case along with Cr. Misc. No. 15800 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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