

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20411 of 2025

Arising Out of PS. Case No.-1054 Year-2024 Thana- BIHTA District- Patna

1. Ajay Kumar @ Chhotu S/o Sukhu Ray R/o Turha Tola Anand Bazar, P.S.- Shahpur, Distt.- Patna
2. Saurabh Kumar @ Chhotu S/o Ajay Ray R/o Turha Tola Anand Bazar, P.S.- Shahpur, Distt.- Patna
3. Rajesh Kumar S/o Late Kantu Saw R/o Turha Tola Anand Bazar, P.S.- Shahpur, Distt.- Patna
4. Kunal Kumar S/o Late Sunil Ram R/o Gora Bazaar Paani Tanki, P.S.- Shahpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Bihta P.S. Case No. 1054 of 2024, registered for the offences under Sections 8(c)/21(c)/20(b) of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution case, on getting a tip off about Smack being transported in tempo, checking of vehicles was started. Petitioners and other-accused Roshan Kumar were apprehended when the auto in which they were coming was



intercepted by the police. The auto was searched and recovery of 550 *pudiyas* of Smack was made from the upper portion of the tempo/auto. The weight of the smack along with the paper wrapper in which it was kept came to be 323.5 gram where as the net weight of this Smack was found to be 69.3 gram.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from possession of these petitioners. From the FIR this fact is much apparent. Learned counsel further submits that there is no compliance of Section 50 of the N.D.P.S. Act as well as Section 100 and 103 of the B.N.S.S. and there is no tangible material to connect the petitioners with the recovered contraband. The petitioner no. 1 Ajay Kumar is having antecedent of one case of similar nature whereas petitioner no. 4 is having two antecedents of Bihar Prohibition and Excise Act and petitioner nos. 2 and 3 are have clean antecedent. The petitioners are in custody since 14.11.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that from the auto in which the petitioner no. 1 was



driver and the other petitioners were traveling, recovery of 550 *pudiyas* of Smack was made and it was much more than the small quantity.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the recovery of intermediate quantity of the contraband and further considering the submission of charge sheet and period of custody of the petitioners, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (NDPS) no. 2, Patna/concerned court, in connection with Bihta P.S. Case No. 1054 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three



consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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