

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18803 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- KURSAILA District- Katihar

Gun Sagar Kumar Son Of Parshuram Mandal Village-Budha Nath Mandir Ps-
Jogsar District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Dhananjay Kumar Gupta, Advocate
Mr. Atul Kumar, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

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

ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 113 of 2024, arising out of Kursela PS Case No. 227
of 2024 instituted for the offences under Sections 8(c) & 21(b)
of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 7.94 gram smack from the possession of co-
accused, namely, Manas Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet 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 petitioner has no concern with the recovered contraband as the same is recovered from the co-accused persons. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 02-12-2024 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused from whose possession recovery is made has been granted bail by this Court vide order dated 27-03-2025, passed in Cr. Misc. No. 18233 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, recovery below commercial quantity, claim based on parity 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 NDPS Case No.



113 of 2024, arising out of Kursela PS Case No. 227 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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