

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20617 of 2025

Arising Out of PS. Case No.-495 Year-2024 Thana- ARARIA District- Araria

Ravishankar Kumar @ Bholam S/O Sri Ram Avatar Mahato R/O Vill.- Om
Nagar Bin Tola Ward no. 8, P.S.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Araria P.S. Case No. 495 of 2024 registered for the alleged offences under Sections 8, 21(b) of N.D.P.S. Act.

3. As per prosecution case, on suspicion, a raid was conducted in the house of the petitioner and the petitioner and his co-accused mother were apprehended when on search of the house, recovery of heroin like substance, wrapper and digital weighing machine were made. The weight of the contraband along with its wrapper came to be 100 gm.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is evident from the FIR that the recovered contraband



was neither sealed on the spot nor any sample was drawn. Learned counsel further submits that the contraband was weighed with wrapper and what was the exact weight of the contraband was not made clear. Further, the recovery has been made from a joint family house which was earlier said to be belonging to Ram Autar Mahto and in the seizure list it was stated to be the house of the accused persons. The petitioner is a vegetables seller and used to sell vegetables along with his mother and having criminal antecedent of three cases, though he has no antecedent of similar nature and he is on bail in all the three cases. Learned counsel further submits that moreover the seized contraband along with its wrapper weighed 100 gm which is much below the commercial quantity. The petitioner is in custody since 22.09.2024 and charge sheet has been submitted. Co-accused mother of the petitioner has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.02.2025 passed in Cr. Misc. No. 89520 of 2024.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovery of about 100 gm heroin was made from the house of the petitioner.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the nature of allegation and further considering the quantity of contraband recovered and submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to 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 learned District & Sessions Judge -cum- Special Judge, N.D.P.S. Act, Araria/concerned Court in connection with Araria P.S. Case No. 495 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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