

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24788 of 2025

Arising Out of PS. Case No.-432 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Munna Singh @ Munna Kumar Singh S/o Late Binda Singh R/o vill - Bara
Telpa New Basti Rauja Pokhara, P.s- chapra Town, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2025 Heard learned counsel appearing on behalf
of the petitioner and learned APP appearing on behalf
of the State.

2. The petitioner seeks bail in connection with
Chapra Muffasil P.S. Case No. 432 of 2024 registered
for the offences under Sections 317(2), 318(4) and 3(5)
Bharatiya Nyaya Sanhita & Sections 8 (c) and 21 (c) of
the N.D.P.S. Act.

3. The petitioner is named in the F.I.R. and is
in custody since 19.07.2024.

4. The allegation against the petitioner is to
have in possession of 300 grams smack, 1 kilogram of
cut powder along with 20 grams of power powder.

5. Learned counsel appearing on behalf of the
petitioner submitted that recovery of contraband,



nowhere suggests that it was recovered from the conscious physical possession of this petitioner by following mandatory provision of law as available under N.D.P.S. Act qua search, sealing and sampling. It is submitted that as per FSL report one of the composition of contraband was found paracetamol which is used in treatment of fever, whereas it is conceded that one of the composition was mono acetyl morphine which is a narcotic substance. It is submitted that in any way quantity of seized contraband cannot be said to be more than the commercial quantity as same is not the case of prosecution also. It is also submitted that two similarly situated co-accused persons namely Vijay Kumar and Kanhaiya Kumar were granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 81974 of 2024 dated 25.03.2025 & Cr. Misc. No. 76938 of 2024 dated 25.03.2025, respectively. It is also submitted that as quantity of contraband prima-facie appears less than commercial quantity, therefore, import of rigorous provision as available under Section 37 of the NDPS Act not appears applicable in the present case. While concluding the argument it is submitted that petitioner found involved in six more criminal cases,



where he is on bail, and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as co-accused persons were granted bail by one of the learned Co-ordinate Bench of this Court as discussed aforesaid, considering the parity, where petitioner is in custody since 19.07.2024, accordingly above named petitioner, is directed to be released on bail in connection with Chapra Muffasil P.S. Case No. 432 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS, Chapra at Saran/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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