

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18750 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- BHABHUA District- Kaimur (Bhabua)

Deepak Kumar @ Deepak Ram S/o Katwaru Ram Resident of Saitha, P.S-
Sohan, Distt.- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Pushpa Sinha, 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
Bhabhua (Sonhan) PS Case No. 09 of 2025 instituted for the
offences under Sections 8(c), 20(a)(i) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of one 6-7 feet tall ganja plant from the courtyard 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 further submits that petitioner has no concern with



the recovered ganja plant in question. Learned counsel for the petitioner submits that the alleged recovery of the ganja plant is baseless, as the plant was found with flowers, whereas a genuine ganja plant does not bear flowers indicating the absence of any ganja content. The recovered contraband, even if taken on its face value, 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 07-01-2025 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 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 Bhabhua (Sonhan) PS Case No. 09 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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