

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20126 of 2025

Arising Out of PS. Case No.-621 Year-2023 Thana- BHORE District- Gopalganj

Atul Mishra @ Avinash Kumar Mishra S/O Uday Shankar Mishra Resident of
Vill.- Bhorey Dakshin Tola, P.S- Bhorey, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

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

ORAL ORDER

2 17-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhore
P.S. Case No. 621 of 2023, instituted for the offences punishable
under Sections 341, 323, 353, 34 of the Indian Penal Code read
with Sections 8(c) and 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 0.910 gram of smack from motorcycle.

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 the petitioner has got no
concern with the alleged recovery of smack. No any alleged



contraband has been recovered from the possession of the petitioner. The petitioner is not the registered owner of the motorcycle in question. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 14.02.2025 and has got five criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 15983 of 2024.

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, the recovered contraband being below the small quantity 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 Bhore P.S. Case No. 621 of 2023, 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)

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