

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20855 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- Raghunathpur District- East Champaran

Karan Kumar S/o Motilal Mahato @ Motilal @ Motilal Resident of village -
Ujjain Lohiyar, P.S.- Harsidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Mr. Hemant Ray, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP

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

ORAL ORDER

2 22-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Raghunathpur PS Case No. 83 of 2024 instituted for the
offences under Sections 20(b)(ii)(B), 23(c) & 29 of the NDPS
Act.

3. Prosecution allegation, in short, is that there is
recovery of 879.56 gram *charas* from the possession of co-
accused, namely, Deepak 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 recovery is made from the possession of co-accused, namely, Deepak Kumar, who disclosed the name of the petitioner as one of his accomplice. 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 11-12-2024 and has got six criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The aforesaid co-accused from whose possession recovery is made has been enlarged on bail by this Court vide order dated 16-01-2025, passed in Cr. Misc. No. 89981 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that role of the petitioner has surfaced in this case as party to the criminal conspiracy.

6. Considering the aforesaid facts and circumstances of the case, there is no recovery from the petitioner's possession 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 Raghunathpur PS Case No. 83 of 2024, subject to the following condition/s :-

(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.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(IV) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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