

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23349 of 2025

Arising Out of PS. Case No.-121 Year-2024 Thana- Champanagar District- Purnia

Rupesh Mehta @ Rupesh Kumar Mehta Son of Ramsewak Mehta Resident of
Bhasuria, P.S.- Sarsi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Champanagar P.S. Case No. 121 of 2024 registered for the alleged offences under Sections 8(c), 21(b) of N.D.P.S. Act.

03. As per prosecution case, when the police conducted a raid on the house of the co-accused Chandan Mehta in connection with Sarsi P.S. Case No. 227 of 2024, the petitioner was found in the house of the co-accused and this petitioner was also accused in Sarsi P.S. Case No. 227 of 2024, he was apprehended. On interrogation by the police, the petitioner disclosed that he has come to the house of the co-accused for making payment of advance money to bring smack.



Further, at the instance of the petitioner, co-accused Chandan Mehta was apprehended and from the possession of co-accused Chandan Mehta, recovery of 104.78 grams of brown sugar was made apart from cash of Rs. 600/-. From the petitioner, recovery of one mobile phone was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that no recovery of any contraband has been made from this petitioner. Further, prosecution case is that the petitioner went to make payment of advance amount to the co-accused for bringing smack, but no recovery of any money was made from the petitioner. As the petitioner was having antecedent of two cases, he has been implicated in the present case as well. The petitioner is in custody since 18.12.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that at the instance of the petitioner, co-accused was apprehended with 104.78 grams of smack, which is much more than the small quantity.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and



further considering the doubtful nature of allegation against the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, 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 Special Judge (NDPS Act), Purnea/court concerned in connection with Champanagar P.S. Case No. 121 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and 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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