

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26918 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- KATIHAR MUFFASIL District- Katihar

Vishnu Kumar @ Vishnu Kumar Yadav Son of Dinesh Yadav Resident of
Village- Sirsa, P.S.- Muffasil, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Musowir, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mufassil P.S. Case No. 13 of 2025, instituted for the offences
punishable under Sections 8(b) and 21(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 0.19 gram smack and 6.56 gram Ganja have
been recovered out of which 0.19 gram smack and 4.99 gram
Ganja has been recovered from the possession 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 the petitioner has got no
concern with the alleged recovery of smack and ganja. 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 21.01.2025 and has got no criminal antecedent. 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 this Court vide order dated 20.03.2025 passed in Cr. Misc. No. 15800 of 2025.

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 Mufassil P.S. Case No. 13 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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