

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25004 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- BAISI District- Purnia

1. Shakti Haldhar @ Shakti S/o- Haripado Haldhar @ Haripada Haladar Dalkola ward no. 10 Ps- Dalkola District- Uttar Dinajpur (W.B.)
2. Biswajeet Debnath @ Vishwajeet Devnath S/o- Shankar Debnath Village- Dalkola W.No-9, Ps- Dalkola Dist- Uttar Dinajpur W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

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

2. The petitioners seek bail in connection with Baisi P.S. Case No. 407 of 2024, instituted for the offences punishable under Sections 111, 317(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 8(c) and 21(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 315 gram smack from the possession of these petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered



from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners have got no concern with the alleged recovery of smack. The petitioners are in custody since 16.12.2024. Petitioner no. 1 has got one criminal antecedent and petitioner no. 2 has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the NDPS Act.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the NDPS Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioners.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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