

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27868 of 2025

Arising Out of PS. Case No.-1074 Year-2024 Thana- SONEPUR District- Saran

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Ramswarup Ray @ Ramswaroop Ray S/o Rampani Ray Resident of Village-
Naya Tola, Nazarmira, P.S.- Sonpur @ Sonepur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sonpur@Sonepur P.S. Case No. 1074 of 2024, registered for the offences under Sections 8(C), 21(b), 25 and 29 of the N.D.P.S., Act.

3. As per the prosecution case, when the police reached the house of the co-accused Naga Ray, three persons started fleeing away from the house. Two person made good their escape whereas this petitioner was apprehended. From the search of the house, Smack like substance in small sachet numbering 176 have been seized apart from Rs.6,74,700/-. The petitioner disclosed the names of the other two co-accused persons who fled away on seeing the police party.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from conscious possession of this petitioner and the petitioner has no concern with the recovery of Smack which was made from verandah of the house. The house is joint where all other family members of the petitioner jointly reside. Learned counsel further submits that the money shown to be recovered from the house has been received by the father of the petitioner as consideration of lease agreement of his land having area 25 katha. The father of the petitioner has filed an application before the learned trial court for release of the said money. Moreover, the recovered quantity of contraband is much less than the commercial quantity as the recovery is merely of 11.5 grams and small notified quantity is five grams. The petitioner is having antecedent of three cases of different nature. The petitioner is in custody since 26.12.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that recovery has been made from the house of the petitioner and recovery of huge cash amount shows the

petitioner and other co-accused persons were actively involved in selling the contraband Smack.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the quantity of contraband seized, and further considering period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saran at Chapra/concerned court, in connection with Sonpur@Sonepur P.S. Case No. 1074 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial court.
- (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.

Anuradha/-

(Arun Kumar Jha, J)

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