

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26724 of 2025**

Arising Out of PS. Case No.-109 Year-2024 Thana- RAXAUL District- East Champaran

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Brajesh Kumar @ Brajesh Kumar Gupta @ Saurabh Kumar Gupta S/o- Late  
Pramod Gupta @ Late Pramod Kumar Gupta @ Late Pramod Prasad Gupta  
Village- Handi Bazar Ps- Raxaul Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

3      04-07-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks regular bail in connection with  
NDPS G.R. Case No. 32 of 2024 arising out of Raxaul P.S. Case  
No. 109 of 2024, lodged on 02.04.2024 under Sections 21(b), 22  
and 29 of the N.D.P.S. Act.

3. As per the prosecution, total recovery of 33 bottles,  
each containing 100 ml, and 50 pieces of Nitravet-10 tablets has  
been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He further  
submits that from the FIR and the seizure list, it is crystal clear  
that the house from where the said NDPS materials were



recovered belongs to Ashok Kumar, who is the owner of both the house and the shop, and the same does not belong to the petitioner. Counsel further submits that the quantity involved was considered to be a small quantity at the time of consideration of the anticipatory bail. Counsel further submits that the criminal antecedent of the petitioner is not clean, as two criminal cases are pending against him in which in one case he is on bail, and in the other, he is pursuing bail. Counsel also submits that the petitioner has surrendered before the Trial Court on 11.02.2025 and is ready to comply with any conditions that may be imposed upon him.

5. Learned APP for the State opposes the prayer for bail and submits that the criminal antecedent of the petitioner is not clean, as two criminal cases under the NDPS Act are pending against him. Counsel further submits that the conditions for grant of bail under Section 37(i)(b)(ii) of the NDPS Act, specifically, that the petitioner is not likely to commit any offence while on bail, have not been satisfied.

6. Upon a specific query by the Court regarding the progress of the case, counsel for the petitioner submits that he is not in a position to inform the Court about the present stage of the case.



7. In the present facts and circumstances of this case, and in view of the submissions made above, as well as considering the fact that the quantity is less than the commercial quantity, let the petitioner above-named be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Sessions Judge / Special Judge, NDPS Act, East Champaran, Motihari, in connection with NDPS G.R. Case No. 32 of 2024 arising out of Raxaul P.S. Case No. 109 of 2024, subject to the following conditions as laid down under Section 480(3) of the BNSS.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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