

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26738 of 2025

Arising Out of PS. Case No.-565 Year-2024 Thana- ARARIA District- Araria

Bhola Prasad Gupta S/O Devnarayan Prasad Gupta R/O Vill.- Saraygadh
Ward No. 14, P.S.- Bhaptiyahi, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, 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 Araria
P.S. Case No. 565 of 2024, instituted for the offences punishable
under Sections 8/20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 21.400 Kg Ganja from the possession of the
accused persons including the petitioner. It is further alleged that
the police has recovered 3.100 Kg Ganja from the possession of
the present petitioner for which a separate seizure list was
prepared.

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 Ganja. There is no Forensic Science Laboratory report on record showing the seized substance to be Ganja. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 13.11.2024 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 14.02.2025 passed in Cr. Misc. No. 1357 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 commercial 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 Araria P.S. Case No.
565 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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