

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28496 of 2025

Arising Out of PS. Case No.-225 Year-2024 Thana- SARSI District- Purnia

Ajay Kumar Mehta S/o Shambhukar Mehta R/o- Kukaroun, P.S.- Dhamdaha
District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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

ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sarsi
P.S. Case No. 225 of 2024, instituted for the offences punishable
under Sections 8(c), 21(b) and 25 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 106.4 gram of smack from the possession of co-
accused person.

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 either with the alleged recovery of smack or with the co-accused person. The petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Chandrakishore Kumar and the same has got no evidentiary value. It is further submitted that no any NDPS article has been recovered from the possession of the petitioner. 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 01.02.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 ***after framing of charge, if not already framed*** 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 Sarsi P.S. Case No. 225 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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