

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27360 of 2025

Arising Out of PS. Case No.-446 Year-2024 Thana- RAXAUL District- East Champaran

Aditya Kumar @ Aditya Raj S/o Shiv Kumar Verma Resident of Village-
Koiriya Tola, Ward No. 25, P.S.- Raxaul, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mrs.Rashmi Jha, Advocate
		Mr.Abhishek Kumar, Advocate
For the Opposite Party	:	Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-07-2025 Heard Mrs. Rashmi Jha, learned counsel appearing on
behalf of the petitioner and learned A.P.P. for the State.

2. This record was fixed under the caption of “Office Notes” for want of FSL report *qua* seized contraband, but learned counsel appearing for the petitioner insisted that same be heard without FSL report as the case diary of this case is available on record, and, furthermore, the petitioner is in custody since 19.11.2024.

3. Petitioner seeks bail in connection with Raxaul P.S. Case No. 446 of 2024, N.D.P.S. G.R. Case No. 104 of 2024 registered for the offences under Sections 132 of the Bhartiya Nyay Sanhita, 2023 (in short the ‘B.N.S.’) and section 21(b), 22(c), 23 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short the ‘N.D.P.S. Act’).



4. The petitioner is named in the First Information Report and is in custody since 19.11.2024.

5. Allegation against the petitioner is to have in possession of 1 Kg. and 342 grams of Charas along with 16 pieces of 100 ml. bottle of Corex cough syrup along with other co-accused persons.

6. It is submitted by Mrs. Rashmi Jha, learned counsel appearing on behalf of the petitioner that from perusal of FIR itself, petitioner along with other co-accused persons was mere a passerby and the contraband along with cough syrup bottles were recovered from nearby bus, which was parked in abandoned condition.

7. It is submitted that FIR itself speaks that recovery was not made upon the person of the petitioner and, therefore, issuance of notice under section 50 of NDPS Act is of no relevance. It is further submitted that quantity appears little more than commercial quantity i.e. of 1 Kg. but in view of the fact as same recovered from open space accessible by general public, the rigors of section 37 of the NDPS Act appears not applicable in the present case. It is also pointed out that petitioner is a man of clean antecedent.

8. While concluding argument, it is pointed out that FIR



further narrates the presence of several co-villagers but none of independent witnesses came forward to be witness of seizure list which also makes the allegation doubtful.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

10. Considering the factual submission and by taking note of the fact as FIR itself creates a doubt *qua* recovery of contraband from physical possession of this petitioner, coupled with the fact that petitioner is in custody since 19.11.2024 and having clean antecedent, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari/concerned court, in connection with Raxaul P.S. Case No. 446 of 2024, N.D.P.S. G.R. Case No. 104 of 2024, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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