

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29264 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- RAUTARA District- Katihar

Dhiraj Kumar @ Dheeraj Kumar S/o- Late Dilip Paswan Village- Khudna Ps-
Rautara Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Anand
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 27-06-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Rautara P.S Case No.101 of 2024 registered for offences under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. The allegation in the F.I.R. is that the Police upon secret information went to the house of accused Dheeraj Kumar and found three persons in the house namely Dheeraj Kumar, Shyam Kishor Paswan and Chhotu Paswan. It is alleged that two digital weighing scale resembling a mobile phone was recovered from the left pocket of Dheeraj Kumar whereas two packets of smack weighing 27.98 gm, was recovered from the right pocket of jeans of accused Chhotu Paswan.

4. Learned counsel for the petitioner submits that a



false recovery has been shown from the accused persons as there is no independent witness to the seizure list and the mandatory provisions under the NDPS Act has also been violated. Sofar as the recovery from the present petitioner is concerned, no contraband has been recovered from his possession rather, two small digital weighing scale has been shown to be recovered from his possession. It has also been pointed out that two of the co-accused persons being Shyam Kishor Paswan and Chhotu Paswan have already been granted bail *vide* orders dated 20.05.2025 and 15.05.2025 passed in Cr. Misc. No.32511 of 2025 and Cr. Misc. No.29168 of 2025 respectively. The petitioner has no criminal antecedent and is in custody since 14.11.2024 and charge-sheet has been submitted. Further, the recovery is of intermediate quantity, which is a little over the small quantity but much less than the commercial quantity and hence, the rigors of Section 37 of the NDPS Act would not be applicable in the present case.

5. Learned APP for the State opposes the prayer for bail application.

6. In view of the facts and circumstances, the petitioner is enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like



amount, each to the satisfaction of learned District and Sessions Judge-cum-Special Judge, NDPS Act, Katihar, in connection with Rautara P.S Case No.101 of 2024, subject to the following conditions:

(i) one of the bailors shall be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in the investigation/trial and shall appear on each and every date fixed in learned Court concerned till the conclusion of the trial and would cooperate in getting the charges framed in case the same has not been done. In case of default in appearance of two consecutive dates without substantial cause, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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