

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29168 of 2025

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

Shyam Kishor Paswan @ Shyam Kishore Paswan S/o Dashrath Paswan R/o
vill - Khudna, ward no 4, P.S.- Rautara, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 81 of 2024 arising out of Rautara P.S. Case No. 101 of
2024 instituted for the offences under Sections 8(c), 21(b) of the
N.D.P.S. Act.

3. Prosecution case, in short, is that total 27.98 grams
of smack has been recovered from the possession of co-accused
Chhotu Paswan.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 14.11.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused Chhotu Paswan. Learned counsel further submitted that as per allegation Rs. 36,900/- cash has been recovered from this petitioner and no any contraband is alleged to have been recovered from this petitioner. The recovered contraband is below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. 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, recovered contraband being less than commercial quantity as also 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 NDPS Case No. 81
of 2024 arising out of Rautara P.S. Case No. 101 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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