

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30083 of 2025

Arising out of PS. Case No.-69 Year-2024 Thana- RAUTARA District- Katihar

Chhotu Paswan S/o Late Rajendra Paswan R/o Khudna, P.s.- Rautara, Dist.-
Katihar- 854303

... .. 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. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 24-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 8(c), 20(b) and 21(b) of the NDPS Act. He has two criminal antecedents, i.e., (i) K. Hat P.S. Case Case No. 514 of 2014 registered under Sections 8(c) and 21(b) of the NDPS Act, 1985 (ii) Rautara P.S. Case No. 101 of 2024 registered under Sections 8(c) and 21(b) of NDPS Act, 1985.

3. The prosecution case is that the police on secret information had conducted raid at the house of the petitioner and two persons were apprehended who disclosed their names Rajesh Kumar Paswan and Dharmveer Kumar and on search total 46.24 Grams of smack and Rs. 1,05,590/- was recovered from the house of the petitioner.



4. It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case at the behest of the police. It is further submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner rather the same was recovered from the house of the petitioner where two of the friends of the petitioner namely Rajesh Kumar Paswan and Dharmveer Kumar were apprehended. It is next submitted that the co-accused persons namely Rajesh Paswan @ Rajesh Kumar Paswan and Dharmveer Kumar @ Dharmveer Paswan have been granted bail by a Co-ordinate Bench of this Court dated 09.04.2025 passed in Cr. Misc. No. 1939 of 2025, the order of the same has been brought on record *vide* Annexure-P/2. It is lastly submitted that petitioner has been shown to be involved in two cases which were registered for the similar offences after the present case and he is in custody since 16.12.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that from the house of the petitioner more than small quantity of smack has been recovered along with cash and other articles from the house of the petitioner.

6. Considering the aforesaid submissions of learned



counsels and taking into account the fact that the co-accused persons who were apprehended at the place of occurrence have been granted bail by a Co-ordinate Bench of this Court and the petitioner is in custody since 16.12.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-cum-Special Judge, NDPS Act, Katihar or his successor in connection with NDPS Case No. 50 of 2024 arising out of Rautara P.S. Case No. 69 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the



court below shall verify the criminal antecedent except aforementioned two cases of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent except aforementioned two cases, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(v) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Katihar within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the



court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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