

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30936 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- DHAMDAHA District- Purnia

Ravi Kumar @ Ravi Mehta @ Ravi Kumar Mehta S/o Shivkant Mehta @ Shivkant Singh @ Shivakant Singh @ Srikant Mehta R/o Village- Koriyani Tola (Thakurbari Tola), Ward No. 01, Dhamdaha, P.S.- Dhamdaha, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Dhamdaha P.S. Case No. 142 of 2024, instituted for the offences punishable under Sections 8(c) and 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 40.50 grams of smack (Brown Sugar) from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case as well as Charge has also been framed against the petitioner on 11.12.2024. No incriminating material has been recovered from



the conscious possession of the petitioner. At the time of search and seizure, neither the petitioner nor any other family members was present in the house. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of brown sugar. 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 21.07.2024 and has got eight criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 16.01.2025 passed in Cr. Misc. No. 90117 of 2024.

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 Dhamdaha P.S. Case No. 142 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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