

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34490 of 2025

Arising Out of PS. Case No.-940 Year-2024 Thana- BIHTA District- Patna

Rippu Kumar S/o Pawan Kumar Rai @ Chela Rai R/o Mohalla- Rajiv Nagar,
Road No. 23, P.S.- Rajiv Nagar, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate

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

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

ORAL ORDER

4 05-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bihta
PS Case No. 940 of 2024 instituted for the offences under
Sections 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
Sections 8(c), 21(c) & 22(c) of the NDPS Act.

3. The prosecution case, as per the First Information
Report, is that on 06.10.2024, the police intercepted a
motorcycle upon which two persons were riding and recovered
252 grams of smack kept in a bag from their possession. The
person sitting on the motorcycle were arrested who disclosed
their names as Rahul Kumar and Manish Kumar, and further
disclosed that they are indulged in trafficking of contraband



smack with the help of one Ripu Kumar (petitioner) and upon petitioner's indication, the arrested accused persons bought smack from one Vijay Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner was not arrested from the spot and petitioner has no concern with the recovered contraband. The petitioner is in custody since 27-11-2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court vide order dated 20-02-2025, passed in Cr. Misc. No. 3287 of 2025.

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, claim based on parity 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 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 Bihta PS Case No. 940 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)

Raj Kishore/-

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