

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32511 of 2025

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

Chhotu Paswan, Male aged about 27 years, Son of Late Rajendra Paswan
resident of village Khudna, P.S- Rautara, Dist- Katihar-854303

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kanu Priya, Adv

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and the
State.

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

3. The allegation in the FIR, is that the police, upon
secret information, went to the house of accused Dhiraj Kumar
and found three persons in the house namely, Dhiraj Kumar,
Shyam Kishore Paswan and Chotu Paswan, the present
petitioner. It is alleged that two digital weighing scale of mobile
seize was recovered from the pant pocket of Dhiraj Kumar
whereas total 27.98 gm of smack/ brown sugar was recovered
from the pocket of jeans of the accused petitioner Chotu
Paswan.



4. Learned counsel for the petitioner submits that the petitioner had gone to the house of co-accused Dhiraj Kumar and false recovery of smack has been shown from the petitioner. It is pointed out that there is no independent witness to the seizure list and further the mandatory provisions under the NDPS act is also violated. It is also pointed out by the learned counsel for the petitioner that one of the co-accused Shyam Kishore Paswan, who was also found in the said house of Dhiraj Kumar had already been granted bail by a co-ordinate Bench of this Court vide order dated 15.05.2025 passed in Cr. Misc. No.29168 of 2025. The petitioner is in custody since 14.11.2024.

5. It has further been submitted that not only the charge sheet has been submitted in this case but even charges have been framed. It has further been submitted that in any view of the matter, the recovery is of an intermediate quantity, which is little over small quantity but much less than commercial quantity and hence, the rigors of section 37 of the NDPS act would not be applicable in the present case.

5. The learned APP opposes the prayer for bail on the ground that petitioner has two criminal antecedent of similar nature in which he is on bail in one case while the other is



pending consideration.

5. Considering the facts that the petitioner is in custody since 14.11.2024 and quantity recovered is just little over the small quantity, the petitioner is enlarged on bail on furnishing bail bond of Rs. 25,000 (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-II (NDPS Act) Katihar in connection with Rautara P.S.Case No. 101 of 2024, subject to the condition which is as follows:-

(i) One of the bailors shall be own/ close member of the family of the petitioner.

(ii) The trial court shall verify the criminal antecedent of the petitioner before releasing him on bail.

(ii) The petitioner shall co-operate in the trial and shall appear on each and every date fixed at the trial till conclusion of 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.

(Soni Shrivastava, J)

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