

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32223 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- GHURNA District- Araria

Paritosh Kumar Das, aged about 38 years (Male), S/o Basudeo Das R/o
Village- Tariyal, P.S.- Chakuliya Gowlpokhar, District- Uttar Dinazpur (West
Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-08-2025 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in Ghurna P.S.
Case No. 11 of 2025 dated 06-02-2025, registered under
Sections 08/17(b)/18(b)/8(c) and 21 (b) of the Narcotic Drugs
and Psychotropic Substances Act, 1985 (for short the 'NDPS
Act').

3. The allegation is of recovery of 1.700 kg of opium
and 40 grams of a brown sugar-like substance from the plastic
bag of the petitioner.

4. Learned senior counsel for the petitioner submits
that the petitioner is innocent and he has been falsely implicated



in the present case. It is further submitted that no incriminating article was recovered from the conscious possession of the petitioner. Further submission is that there is no F.S.L. report establishing that the alleged seized substance is opium or brown sugar. It is further submitted that the quantity allegedly recovered is below the commercial quantity as defined under the N.D.P.S. Act, i.e., 2.5 kg for opium and 250 grams for brown sugar. The petitioner has been in custody since 07.02.2025 and has no criminal antecedents.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Araria in connection with Ghurna P.S. Case No. 11 of 2025, subject to the following conditions:-(i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own



blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail .

7. The application stands allowed.

(Khatim Reza, J)

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