

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31876 of 2025**

Arising Out of PS. Case No.-79 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Aaryan Raj @ Golu @ Aryan Raj @ Akash Kumar S/O Rajesh Kumar Pandey @ Rajesh Pandey Resident of village- Chalishat Bara Bajar, P.S- Katihar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

2 20-05-2025 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Katihar Town P.S. Case No. 79 of 2025 registered for the offence under Sections 8(c)/21(b) of the NDPS Act.

3. The prosecution case is to the effect is that the informant in his self statement stated that he received information that one person was moving with smack in his possession. The informant apprehended the said person, who disclosed is name as Aaryan Raj @ Golu (petitioner) and on search 13.31 gm of smack and Rs. 250/- was recovered from his possession.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no such incident as stated has occurred. He further stated that even if the allegations are taken on face value, the recovered quantity is an intermediate quantity i.e. larger than the smaller quantity but lesser than the commercial quantity. It has further been stated that the provisions of the N.D.P.S. act has not been followed in the present case and the petitioner has one criminal case but the same is not of similar nature and he is custody since 21.01.2025 in the present case.

5. Learned counsel for the State has vehemently opposed the prayer for bail of the petitioner and has stated that the petitioner was apprehended with contraband substance which is more than the small quantity.

6. Considering the aforesaid facts and submissions made on behalf of the parties and taking into account the fact that there is no similar nature of offence alleged against the petitioner prior to the present case and the fact that the recovered contraband from the possession of the petitioner is intermediate quantity, let the petitioner, above named, in



the event be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar in connection with Katihar Town P.S. Case. No. 79 of 2025, subject to the conditions that

a. One of the bailors of the petitioner shall be his/her close relative.

b. The petitioner shall remain physically present in Court on each date of trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

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



e. If the petitioner is found involved in a similar nature of offence, the prosecution shall be at liberty to move the lower court for cancellation of bail.

(Sourendra Pandey, J)

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