

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34731 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

Raushan Kumar S/o Dukhu Bind R/o Village- Khudara (Bindupurwa), P.S.-
Ramgaarh, District- Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 10-07-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Sections 8(c), 20(b)(ii)(B) of
NDPC Act.

3. As per the prosecution case, one vehicle was
intercepted and one person was apprehended and on search,
10.400 kg *Ganja* was recovered from his pocket and some cash
was also recovered.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
the present case and no recovery whatsoever has been made
from his conscious possession. It has been submitted that the
prepared seizure list does not comply with the provisions of
Section 50 of the NDPS Act and has no independent witness
found at the time of seizure. The learned counsel next submits



that even as per the FIR, the seized material is around 10.400 kg, though it is higher than small quantity but is less than the commercial quantity and thus does not attract the rigors of Section 37 of NDPS Act. It has lastly been submitted that the petitioner has no criminal antecedent and is in custody since 25.02.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner has been found in possession of 10.400 kg of *Ganja*.

6. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner has fair antecedent, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhabhua in connection with Mohania P.S. Case No. 129 of 2025 subject to the following conditions:-

- (i) *One of the bailors will be close relative of the petitioner.*
- (ii) *The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.*
- (iii) *In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.*



(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned 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 bond 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.

(Sourendra Pandey, J)

Sudhanshu/-

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