

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36243 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- CHAPRA KACHARI RAIL P.S. District-
Saran

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Sonu Kumar S/o Dhuv Prasad Resident of village- Pipra, Ward No. 10, PS-
Darpa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anjani Parashar, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Chapra
Kachahari Rail P.S. Case No. 36 of 2024 (NDPS Case No. 02 of
2025) instituted for the offence under Sections 123, 303(2), 313
& 317(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 20
& 22 of the NDPS Act.

3. The petitioner was apprehended at Railway Station
with stolen items and intoxicants, including Lopez MX-2 tablets
(1 strip) and Ativan 2 mg (17 tablets), and confessed to drugging
passengers with his associate Vinay Shankar Thakur to loot their
belongings.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 21-11-2024. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the recovered contraband. Even if the recovery is taken on its face value, the same is below small quantity. Hence, there is no bar under Section 37 of the NDPS Act. There is no compliance of Sections 42 and 50 of the NPDS Act. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and it is submitted that recovery of tablets fall within the ambit of small quantity.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and recovery below small quantity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Kachahari Rail P.S. Case No. 36 of 2024 (NDPS Case No. 02 of 2025), 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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