

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36918 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Manoj Kumar @ Manoj Kumar Sah @ Manoj Sah S/O Raghunath Sah R/O
Mohalla- Kalibari Road Chatrubhuj Asthan Mandir, P.S- Mithanpura, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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

ORAL ORDER

3 19-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 63 of 2025, instituted for the offences punishable
under Sections 132, 109, 324(4), 324(5), 317(5), 3(5) of the
Bharatiya Nyaya Sanhita, 2023, read with Sections 8(c), 21(b)
of the NDPS Act and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of 33.39 gram of smack from the house of the
petitioner.

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



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that the petitioner has got no concern with the alleged recovery of smack. It is further submitted that cognizance has been taken by the Court below on 19.04.2025 as well as Charge has already been framed against the petitioner on 29.04.2025. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 06.02.2025 and has got seven criminal antecedents in which he is on bail in three cases. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner also submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 19.05.2025 passed in Cr. Misc. No. 27158 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Town P.S. Case No. 63 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)

Rajorshi/-

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