

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37249 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- Basmatia District- Araria

Om Prakash Karn, S/O Murli Lal Karn, R/O Village- Mahesh Patti, Ward No. 14, P.S.- Ghurna, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Basmatiya P.S. Case No. 18 of 2025, registered for the alleged offences under Sections 21 (C)/ 22/23 of NDPS Act.

3. As per prosecution case, on receiving information about smuggling of intoxicating drugs, two persons riding two motorcycles were intercepted and from a box loaded on one of the motorcycles, recovery of 11520 capsules of Spasmo-Proxyvon Plus has been made. The petitioner is the rider of one of the motorcycles.

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



case. No recovery has been made from the motorcycle being driven by the petitioner as recovery has been shown from Hero Passion Pro motorcycle and the petitioner has no concern with the said motorcycle. The petitioner had been going to Nepal for some urgent work on his motorcycle Bajaj Pulsar N-160 having registration no. BR-38AD-3360 and nothing incriminating has been recovered from the person/possession of the petitioner. The learned counsel further submits that moreover recovery is of a medicine which is used as painkiller and it is a compound containing Nitrazepam which is said to be intoxicating contents and its quantity is negligible. The learned counsel further submits that the petitioner is having criminal antecedent of one case and he is on bail in that case. The petitioner is in custody since 16.03.2025 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner appears to be habitual offender.

6. Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the fact that recovery has not been shown from the person of the petitioner or from his motorcycle and further considering the lack of material to show the connection of the petitioner with



the seized contraband and also considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Araria, in connection with Basmatiya P.S. Case No. 18 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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