

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39695 of 2025

Arising Out of PS. Case No.-20 Year-2025 Thana- KHAJANCHI HAT District- Purnia

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Ajay Kumar Sharma @ Ajay Sharma Son of Late Bhola Sharma Resident of
Village- Raj Nagar Dak Bungalow, PS -K Hat, District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with K.Hat
P.S. Case No. 20 of 2025, instituted for the offences punishable
under Sections 8(c) and 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 5 gm smack from the room 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 further submits that the petitioner has got no concern with the alleged recovery of smack. During investigation, no evidence has been found against the petitioner that he is involved in the business of illegal smack. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 13.01.2025 and has got three criminal antecedents in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 18.06.2025 passed in Cr. Misc. No. 37455 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 small 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 K.Hat P.S. Case No.
20 of 2025.

Rajorshi/-

(Rudra Prakash Mishra, J)

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