

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39463 of 2025

Arising Out of PS. Case No.-84 Year-2025 Thana- Mufassil District- Purnia

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1. Vishal Uraon @ Vishal Wraon S/O Munna Uranw R/O Village-Rambag
Driwer Tola, PS- Sadar, District- Purnea
 2. Rahul Kumar Choudhary @ Rahul Kumar @ Rahul Chodari S/O
Barhmadev Choudhary R/O Village-Rambag Driwer Tola, PS- Sadar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw the present regular bail application with
respect to the petitioner no.2 (Rahul Kumar Choudhary @
Rahul Kumar @ Rahul Chodari).

3. Permission is accorded.

4. The petitioner has preferred this application for
grant of regular bail in connection with Muffasil P.S. Case No.
84/2025 dated 02.04.2025 registered for the offence punishable
u/ss 8(c), 21(c), 25 and 29 of the N.D.P.S. Act.

5. As per the prosecution case, total 517.54 grams



brown sugar (smack) was recovered from the possession of the petitioner.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has sprung up in this case on mere suspicion. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.04.2025.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the seized contraband is more than commercial quantity. It is further stated that the petitioner had no any valid authorization for keeping the said contraband. Learned APP for the State has placed reliance on the judgment in the case of **Hira Singh and Anr. Vs. Union of India and Anr, (2020)20 Supreme Court Cases 272** of Hon'ble Apex Court has held that "weight of entire materials/ mixture along with neutral material is to be considered for ascertainment of whether the quantity is "small quantity" or "commercial quantity". The act of the petitioner amounts to clear violation of section 8 of the N.D.P.S. Act as it



clearly prohibits possession of narcotic substance except medical and scientific purposes.

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with :-

(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of ***Narcotics Control Bureau v. Mohit Aggarwal 2022 SCC OnLine SC 891*** has held that “*The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.*”

8. Considering the aforesaid facts and circumstances of the case as well as the material available on the record this Court is not inclined to grant bail to the petitioner and the same



is rejected in connection with Muffasil P.S. Case No. 84/2025,
pending in the Court of learned Special Judge (N.D.P.S. Act)
Purnea.

9. The application stands rejected.

(Chandra Prakash Singh, J)

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