

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42089 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- BANMANKHI District- Purnia

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Raju Reas @ Raj Kishore Kumar @ Rajkishore Mukhiya S/O Kailu Mukhiya
Resident of Village- Murliganj, P.S- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

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

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

ORAL ORDER

3 15-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Special
(NDPS) Case No. 160 of 2025, arising out of Banmankhi PS
Case No. 91 of 2025 instituted for the offences under Sections
8(c), 21(b) & 25 of the NDPS Act.

3. The prosecution alleges that petitioner along with
co-accused, was involved in the business of buying and selling
smack (brown sugar). During the raid, total 87.59 grams of
smack, Rs. 64,740/- cash, and multiple mobile phones were
recovered from co-accused and a Car.

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



present case. Charge-sheet 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 no recovery is made from the possession of the petitioner and name of the petitioner has been disclosed by apprehended co-accused persons. 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 15-05-2025 and has got two criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, recovery below 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, ***after framing of charge, if not already framed***, 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 Special (NDPS) Case No. 160 of 2025, arising



out of Banmankhi PS Case No. 91 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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