

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44789 of 2025

Arising Out of PS. Case No.-213 Year-2025 Thana- MIRGANJ District- Gopalganj

1. Rakesh Kumar S/O Jay Prakash Ram @ Jai Prakash Ram R/O Village- Nautan Harayia, P.S- Uchkagaon, Distt.- Gopalganj.
2. Sonu Kumar Ram S/O Rajandra Ram R/O Village- Nautan Harayia, P.S- Uchkagaon, Distt.- Gopalganj.
3. Pankaj Kumar S/O Rajesh Ram R/O Village- Nautan Harayia, P.S- Uchkagaon, Distt.- Gopalganj.
4. Dhananjay Kumar S/O Ramsurat Ram R/O Village- Nautan Harayia, P.S- Uchkagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Mirganj P.S. Case No. 213 of 2025 instituted for the offence under Sections 8(c) & 21(b) of the NDPS Act.

3. On 29.04.2025, during vehicle checking near B.K. Tiles, six persons including the petitioners were apprehended with 10.400 grams of smack like substance in 23 sachet from their joint possession. Two motorcycles were also seized, and the petitioners admitted procuring the smack from a person



named Golu of Siwan.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 01-05-2025. Petitioners bear no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners further submits that petitioners are neither the driver nor the owner of the seized vehicle in question. Petitioners have no concern with the recovered contraband. It is further submitted that two (2) packets smack like substance weighing 0.45 grams each, was allegedly recovered from each petitioners. 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. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and recovery



below commercial quantity, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners 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 Court below/concerned Court in connection with Mirganj P.S. Case No. 213 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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