

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47010 of 2025

Arising Out of PS. Case No.-94 Year-2025 Thana- SUPAUL District- Supaul

Rajesh Kumar S/O Shatrudhan Sah R/O Vill.- Bairo, Ward No 8, P.S. And District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Supaul P.S. Case No. 94 of 2025, instituted for the offences punishable under Sections 8, 21(b) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 5.75 gram smack from the possession of co-accused person.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not present at



the place of occurrence. Name of the petitioner has transpired in this case only on the basis of confessional statement made by co-accused person and the same has got no evidentiary value. It is next submitted that no recovery of smack has been made from the possession of the petitioner and the petitioner has got no concern with the alleged recovery of smack. 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 29.04.2025 and has got no criminal antecedent. 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 this Court vide order dated 23.07.2025 passed in Cr. Misc. No. 43754 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 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 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 Supaul P.S. Case
No. 94 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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