

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46361 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- RAGHOPUR District- Supaul

Neeraj Kumar @ Niraj Kumar S/o Kamleshwar Das @ Kaleshwar Das R/o
Village- Dharmpatti, ward no. 2, PS- Raghobpur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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

ORAL ORDER

2 29-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Raghobpur P.S. Case No. 61 of 2025, instituted for the offences
punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that 100 gram
smack was recovered from the polythene bag of co-accused,
Manish Kumar and the petitioner was also arrested on spot.

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,



cognizance has been taken on 29.04.2025 and Charge has been framed on 28.05.2025. 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. There is no any recovery of smack from the possession of the petitioner. Only one mobile phone has been recovered from the possession of the petitioner which belongs to him. 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 24.02.2025 and has got no criminal antecedent. 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, 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 Raghopur P.S. Case
No. 61 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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