

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47177 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- BARAULI District- Gopalganj

Rahul Kumar S/O Surendra Sah Resident of Village- Katalpur, P.S.-
Baikunthpur, Distt-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, 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 Barauli
P.S. Case No. 91 of 2025 instituted for the offences under
Sections 317(4), 317(5) of the Bharatiya Nyaya Sanhita, 2023
and Sections 8/20(kha) (ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 2.96 kg *ganja*
like substance has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 30.03.2025 and has two criminal antecedents.
There is no allegation of tampering of witnesses alleged against



the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and 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.

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, recovered contraband being less than commercial quantity as also 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 Barauli P.S. Case No. 91 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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