

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46628 of 2025

Arising Out of PS. Case No.-854 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Rahul Kumar @ Rahul S/o Giral Ray Resident of Village - Bhairipur, P.S. - Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with Ram Krishna Nagar P.S. Case No. 854 of 2023, registered for the offences punishable under Sections 8, 20(b)(II)(B), 25 and 29 of the NDPS Act.

3. The prosecution case, in short, is that, 8.800 Kg Ganja was recovered from the house of co-accused, Nirranjan Yadav.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. 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 the basis of confessional statement made by co-accused, namely, Niranjana Yadav as a mere supplier of Ganja to the co-accused person and the same has got no evidentiary value. The petitioner has got one criminal antecedent in which he is on anticipatory bail. The recovered contraband is below the commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the NDPS Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 24828 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner being party to the criminal conspiracy, as also the petitioner also bears one criminal antecedent of similar nature.

6. Considering the aforesaid facts and circumstances of the case, criminal antecedent and the petitioner being party to the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular



bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Rajorshi/-

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