

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47230 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- ADAPUR District- East Champaran

Shivji Baitha S/o Ramji Baitha R/o Vill- Triveni Feta, P.S.- Gandhak, Distt-
Bara, Nepal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Aadapur P.S. Case No. 37 of 2025 (N.D.P.S. G.R. Case No. 17/25) dated 20.01.2025 registered for the offences punishable u/ss 8(c), 23(b), 21(b), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, during the vehicle checking, police apprehended three persons with the motorcycle. The apprehended persons disclosed their names as Shivji Baitha (petitioner), Krishna Mahto and Abhimanyu Singh .On interrogation, two of them admitted that they have smack and they bring smack from Nepal and sell it at different places



in India and also disclosed that this consignment of smack was going to be given to Md. Haroon @ Munna and Jaiprakash Kumar. On search, total 15.57 gms. of smack like substance was recovered from the pocket of the petitioner, Shivji Baitha and total 39.80 gms. of smack like substance was recovered from the possession of the co-accused, Krishna Mahto.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has surfaced in this case merely on suspicion. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the seized contraband is less than the commercial quantity. It is further submitted that the petitioner has no concern with the alleged recovery rather the seized contraband has been made from the co-accused persons. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 21.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran at Motihari in connection with Aadapur P.S. Case No. 37 of 2025, N.D.P.S. G.R. Case No. 17 of 2025, with the condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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