

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51309 of 2025

Arising Out of PS. Case No.-1074 Year-2024 Thana- SONEPUR District- Saran

Sonelal Ray @ Sone Lal Rai S/O Rampani Ray R/O Village- Naya Tola,
Nazarmira, P.S- Sonpur @ Sonapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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

ORAL ORDER

2 14-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sonpur
@ Sonapur P.S. case No. 1074 of 2024 instituted for the
offences under Sections 8(c), 21(b), 25 and 29 of the N.D.P.S.
Act.

3. As per prosecution case, the police has recovered
176 sachet total weighing 11.5 gram of smack like material
along with cash of total Rs. 6,54,700/- kept in a polythene from
varanda of the house of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is in custody since 16.05.2025 and has five 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 rather the same has been recovered from the veranda adjacent to the main gate. He further submits that the house, in question, is a joint house where other family members of the petitioner also reside. 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 counsel for the petitioners again submits that the co-accused Ramswarup Ray has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.05.2025 passed in Cr. Misc. No. 27868 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the quantity of the contraband being much below the commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs.15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonpur @ Sonepur P.S. case No. 1074 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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