

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51655 of 2025

Arising Out of PS. Case No.-357 Year-2024 Thana- RAXAUL District- East Champaran

=====

Brajesh Kumar @ Brajesh Kr. Gupta @ Saurabh Kr. Gupta S/o Late Pramod Gupta @ Late Pramod Kumar Gupta @ Late Pramod Prasad Gupta Resident of Village- Chawal Bazar, War5d No. 21, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 12-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Raxaul P.S. Case No. 357 of 2024 (NDPS Case No. 62 of 2025) registered for the offences punishable under Sections 20(b)(ii)(c), 22(c), 23, 25 and 29 of the NDPS Act.

3. The prosecution case, in short, is that, there is recovery of 1.465 kg of Charas and huge quantity of intoxicant medicines from the house of co-accused, namely, Rahul Kumar.

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 on the basis of confessional statement made by co-accused persons as the supplier of the alleged contraband and the same has got no evidentiary value. It is next submitted that the petitioner has got no concern with the alleged recovery of the seized articles. Nothing is recovered from the possession of the petitioner as is evident from perusal of the FIR and seizure list. The petitioner has got two criminal antecedents and is in custody since 05-03-2025. There is no compliance of Sections 42 and 50 of the NDPS 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, there being no recovery from the petitioner's possession 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, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raxaul P.S. Case No.



357 of 2024 (NDPS Case No. 62 of 2025), subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

