

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54701 of 2025

Arising Out of PS. Case No.-252 Year-2025 Thana- BIHARIGANJ District- Madhepura

Yogendra Rajak S/o Late Dhaneshwar Rajak R/o vill - Babhangama, ward no
8, P.S - Bihariganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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

ORAL ORDER

3 11-11-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary called for in Cr. Misc.
No.53990 of 2025.

2. The petitioner seeks bail in connection with
Bihariganj P.S. case No. 252 of 2025 instituted for the offences
under Sections 8(c)/21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
73.96 gram of smack along with other articles mentioned in the
F.I.R. from the house of the co-accused Ankit Rajak and
Mukesh Rajak.

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 12.06.2025 and has one criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating has been recovered either from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the alleged recovery of 73.96 gram smack has been made from the Alto car which was being parked near the house of the petitioner but, as a paper work, the same has been shown to have been recovered from the house-bed of the petitioner. Alleged Alto car or the two motorcycles do not belong to the petitioner. The petitioner has never indulged in the business/transportation/storage of any contraband substance and has been implicated in this case merely on the basis of suspicion. The quantity of 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, the period of custody undergone by the petitioner as also the quantity of the contraband recovered being below



the commercial quantity, this Court is inclined to grant bail to the petitioner.

7. 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 Bihariganj P.S. case No. 252 of 2025.

(Rudra Prakash Mishra, J)

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