

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54731 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- KOTWA District- East Champaran

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Roja Mian @ Md. Roja S/o- Md. Fateh Village- Baltharwa Ps- Piprakothi
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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

ORAL ORDER

2 11-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 181 of 2025 (NDPS GR Case No. 76 of 2025)
instituted for the offence under Sections 8, 17(c) & 18(c) of the
NDPS Act.

3. As per allegation in the FIR, co-accused Sompal
Kumar was apprehended with 4.074 Kg of opium which is
alleged to have been seized from him. He disclosed that the
seized opium was obtained from co-accused Naresh Sah and
petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 04-06-2025. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the recovered contraband. From perusal of the FIR itself, it would manifest that there is no recovery from the possession of the petitioner, rather the same is made from other co-accused person. There is no compliance of Sections 42 and 50 of the NDPS Act. Other co-accused has been granted bail by this Court vide order dated 12-08-2025, passed in Cr. Misc. No. 52521 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, period of custody of the petitioner, claim based on parity and, 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 Kotwa P.S. Case No. 181 of 2025 (NDPS GR Case No. 76 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/-

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