

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54954 of 2025

Arising Out of PS. Case No.-413 Year-2024 Thana- BANMANKHI District- Purnia

Raju Reas @ Rajkishore Kumar @ Raj Kishore Mukhiya Son of Kailu Mukhiya @ Kallu Mukhiya, R/o village- Murliganj, PS- Murliganj, Dist- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offences punishable under Sections 8(c), 21(b) and 25 of the
NDPS Act.

3. As per the prosecution case, upon a confidential
information two persons namely, Md. Azim and Md. Soyab
were intercepted and a recovery of 5.51 grams of smack was
made from each of them making it to a total of 11.2 grams.

4. Learned counsel for the petitioner submits that
the petitioner is not named in the FIR and name of the petitioner
subsequently transpired in the confessional statement of one of
the co-accused Mukesh Kumar Yadav as one of the



accomplice in the said crime. He further submits that the said Mukesh Kumar Yadav has been granted bail vide order dated 20.06.2025 passed in Cr. Misc. No. 38125 of 2025 (Annexure-3). He further submits that other two co-accused persons namely, Md. Azim and Md. Soyab from whose possession the recovery has been made, have also been granted bail by this Court *vide* order dated 19.03.2025 passed in Cr. Misc. No. 14228 of 2025 and Cr. Misc. No. 14572 of 2025 respectively. He next submits that the total recovery of smack in the present case is only a little over small quantity and much less than commercial quantity and the same has also not been recovered from the possession of this petitioner. Learned counsel lastly submits that the petitioner is in custody since 20.05.2025 and chargesheet has already been submitted in this case.

5. Learned Additional Public Prosecutor for the State, however, vehemently opposes the prayer for grant of bail to the petitioner and submits that petitioner is accused in three other cases of similar nature, however, it is submitted that the petitioner is on bail in the said cases.

6. Considering the aforesaid facts and circumstances of the case as well as the submissions made on behalf of the parties and also considering the fact that there is no



recovery from the possession of the petitioner and similarly situated co-accused persons have been granted bail. Accordingly, the petitioner, above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-II-cum-Special Judge, NDPS Act, Purnea / successor Court, in connection with **Special (NDPS Act) Case No. 7 of 2025, arising out of Banmankhi P.S. Case No. 413 of 2024**, on further conditions:

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present before the learned trial Court on each and every date of the trial, and in case of his non-appearance on two consecutive dates without substantial reason, the bail bond of the petitioner will be liable to be cancelled by the learned trial Court.

(Soni Shrivastava, J)

Shahnawaz/-

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