

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54869 of 2025

Arising Out of PS. Case No.-206 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

Gaurav Kumar @ Gaurav Kumkar son of Kamal Nayan Singh Village- Bihat
Ps- Fci District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

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

ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Begusarai Town P.S. Case No. 206 of 2025, instituted for the offences punishable under Sections 20(a), 20(b)(ii), 8 and 22(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of total 12 gram smack out of which 8 gram of smack was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that the petitioner has got no concern with the alleged recovery of smack. The petitioner was a passerby of that way and was arrested on the basis of suspicion. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 27.05.2025 and has got no criminal antecedent. 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 recovered contraband being below the commercial quantity and 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 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 Begusarai Town P.S. Case No. 206 of 2025.

(Rudra Prakash Mishra, J)

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