

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55671 of 2025

Arising Out of PS. Case No.-410 Year-2025 Thana- MADHAURAH District- Saran

Piyush Kumar S/o Rajesh Ray R/o Village- Silhauri, P.S.- Harhowrah,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, 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 Marhowrah P.S. case No. 410 of 2025 instituted for the offences under Sections 317(4), 317(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 8(c), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 7 sachet having 7 grams of smack like substance from behind the house of the petitioner and one TVS motorcycle and one Samsung mobile are also said to have been recovered. It is alleged that total 30 Gram of smack like substance has been recovered in this case.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Petitioner is in custody since 15.06.2025 and has no criminal antecedent. Learned counsel for the petitioner further submits that the alleged motorcycle and mobile belong to the petitioner and he has nothing to do with the aforesaid sachets. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner or from his house rather the alleged recovery has been made from behind the house of the petitioner which is an open place, accessible to one and all. The 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, clean antecedent, the period of custody undergone by the petitioner as also the taking into account the quantity of the seized contraband, 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 Marhowrah P.S. case
No. 410 of 2025.

(Rudra Prakash Mishra, J)

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