

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57110 of 2025

Arising Out of PS. Case No.-188 Year-2025 Thana- Sahayak Khajanchi District- Purnia

Kaushik Roy S/O Manik Roy R/O Village- Vivekanand Colony, ward No. 25,
P.S.- Sahayak Khajanchi, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

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

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

ORAL ORDER

2 13-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sahayak Khajanchi P.S. Case No. 188 of 2025 instituted for the offences under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 14 grams of smack has been recovered in this case, out of which 3 grams of smack has been recovered from this petitioner.

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 23.05.2025 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. 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. Other co-accused has been granted bail by this Court vide order dated 30-07-2025, passed in Cr. Misc. No. 47263 of 2025.

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, recovered contraband being less than commercial quantity as also 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sahayak Khajanchi P.S. Case No. 188 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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