

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57901 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- SUKHANI District- Kishanganj

Vishal @ Vishal Kumar S/o Rajesh Gupta @ Rajesh Kumar Sah R/o village -
Kodogaon Totpowa, P.S - Sukhani, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Sukhani PS Case No.
38 of 2025 instituted for the offences under Sections 8, 8(c),
20(b)(ii)(B) & 21(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of DD Kit Test, 18 bottles of 300 ml wine, 1.220 Kg
ganja and 1.63 gram smack from the possession of co-accused
persons, including 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 petitioner has no concern with the recovered contraband or liquor. 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 14-06-2025 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 12-08-2025, passed in Cr. Misc. No. 56170 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, recovery of contraband below commercial quantity, claim based on parity 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/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sukhani PS Case



No. 38 of 2025.

Rudra Prakash Mishra, J)

Raj Kishore/-

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