

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57610 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- KHAGAUL District- Patna

Gorakh Nut, S/O Maina Nut, Resident of Bari Badal Pura, P.S.- Khagaul,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 15-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Spl. (NDPS) Case No. 152 of 2024 arising out of Khagaul P.S.
Case No. 215 of 2024 for the offence registered under Sections
8(c), 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, during patrolling duty,
the informant got information that petitioner has kept heroin in
his house. On search, 24.54 grams heroin kept in black color
polythene recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The recovery of heroin was made from other place. Further
submission is that petitioner has no concern with the seized



herion. Nothing has been recovered from conscious possession of the petitioner. The recovery of Narcotic substance is below the commercial quantity. Petitioner has two criminal antecedents which are not of similar nature out of which in one case he has been acquitted and in the other case he is on bail. After completion of investigation charge sheet has already been submitted and there is no chance of his absconding or tampering with the evidence. Petitioner is in custody since 06.08.2024 and he undertakes to cooperate in the investigation and trial.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. From the trial report, it appears that charge is framed against the sole accused on 16.12.2024, under Section 21(B) of the NDPS Act. He further submits that out of 5 charge-sheet named witnesses, no one of them turned up to adduce evidence till date.

7. Considering the facts and circumstances of the case, the submissions of learned counsel for the parties and period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (N.D.P.S.) IInd, Patna, in connection with



Spl. (NDPS) Case No. 152 of 2024 arising out of Khagaul P.S.

Case No. 215 of 2024 with further conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Sunil Dutta Mishra, J)

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