

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63181 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- Marnga District- Purnia

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Rahul Kumar Jha @ Rahul Kr. Jha son of Rajendra Kumar Jha @ Rajendra
Kr. Jha Resident of Village -Nevalal Chowk Basant Vihar PS- Maranga, Dist-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-11-2025

Heard the parties.

2. The petitioner seeks bail in connection with

Maranga P.S. Case No. 181 of 2025 registered for the offence

under Sections 8(c), 21(b), 25, 29 of the N.D.P.S. Act.

3. The petitioner is named in the F.I.R. and is in

custody since 22.05.2025.

4. As per FIR petitioner was found in possession of

102 grams of smack while traveling with other co-accused

persons in a car.

5. Learned counsel appearing on behalf of the

petitioner submitted that the recovery as alleged not appears

to be made from the conscious physical possession of the



petitioner as the alleged car was jointly occupied by other co-accused persons. It is also submitted that mandatory provisions regarding search, sealing and seizure (SSS) also not appears followed. It is submitted that as recovered quantity is less than commercial quantity, therefore, rigors of Section 37 of NDPS Act not applicable in present case. It is submitted that in view of the incomplete charge-sheet the petitioner also deserves bail as the matter is pending before the Hon'ble Supreme Court for larger consideration in the matter of **Divyas Bardewa Vs. Narcotics Control Board** reported in **2023 SCC OnLine SC 742**.

6. Explaining the criminal antecedent of the petitioner, it is submitted that petitioner was involved in 10 more criminal cases but none of them was registered under N.D.P.S. Act and in all cases the petitioner is on bail. It is submitted that the false implication of the petitioner with present case is also from suspicion arising out of his criminal antecedents. It is submitted that if merit of case otherwise available in favor of the petitioner merely on the ground of criminal antecedents, prayer for bail should not be declined.



In support of his submission, learned counsel relied upon the judgment of the Hon'ble Supreme Court in the case of **Prabhakar Tewari vs. State of Uttar Pradesh and Anr.** reported in **(2020) 11 SCC 648.**

7. Learned APP, opposed the prayer of bail.

8. In view of aforesaid factual submissions and by taking note of the fact as the charge-sheet in this matter appears submitted incomplete, where alleged recovery is less than the commercial quantity coupled with the fact that petitioner is in custody since 22.05.2025, accordingly petitioner above named, is directed to be released on bail in connection with Maranga P.S. Case No. 181/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Purnea /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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