

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59796 of 2025

Arising Out of PS. Case No.-1157 Year-2024 Thana- ALAMGANJ District- Patna

Suraj Kumar @ Suraj Kumar Chaudhari @ Suraj Kumar Raj Son of Nimki Chaudhari @ Ajit Kumar @ Nimki Kumar Resident of Sadikpur Machhua Toli PS -Alamganj District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, 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 connection with Alamganj P.S. case No. 1157 of 2024 instituted for the offences under Sections 8(c), 21(a), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that the police has recovered total 9.18 grams of smack (heroin), 16 ampules of Pheniramine Nalatte Injection IP and 03 Syringes from the possession of the co-accused persons namely Rohit Kumar and Cute Kumar.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is in custody since 02.07.2025 and has two criminal



antecedents of the Excise Act. The name of the petitioner has transpired in this case on the basis of the disclosures made by the apprehended co-accused persons and, except this, there is nothing adverse against the petitioner. The disclosures made by the apprehended co-accused before the police has no evidentiary value in the eye of law. There is no allegation of tampering of witnesses alleged against 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. Learned counsel for the petitioner further submits that the co-accused Cute Kumar @ Kyut Kumar has already been granted bail by this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 28087 of 2025. Co-accused Rohit Kumar has also been granted bail by this Court vide order dated 13.05.2025 passed in Cr. Misc. No. 28290 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, the period of custody undergone by the petitioner, the quantity of contraband being below the commercial quantity and also the prayer for bail being based on parity, this Court is



inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge if not already framed*, 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 Alamganj P.S. case No. 1157 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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