

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65798 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- Basmatia District- Araria

1. Dipesh Choudhary @ Dipesh S/O Basan Lal Choudhary R/O Vill.- Itahari Bhajara, ward no. 7, P.s.- Itahari, District- Sunsari, Nepal
2. Bipin Kumar Choudhary @ Bipin S/O Dili Ram Choudhary R/O Vill.- Itahari Bhajara, ward no. 7, P.s.- Itahari, District- Sunsari, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv.

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

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

ORAL ORDER

3 25-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Basmatiya P.S. case No. 25 of 2025 instituted for the offences
under Sections 8(c), 21(b), 22 and 23 of the N.D.P.S. Act.

3. As per prosecution case, the police apprehended
three persons on two motorcycles who disclosed their names as
Dinesh Choudhary, Dipesh Choudhary (petitioner no.1) and
Bipin Kr. Choudhary (petitioner no.2) and, on search, 65 grams
of brown sugar was recovered.

4. Learned counsel for the petitioners submitted that



the petitioners have falsely been implicated in the present case. Petitioners are in custody since 17.05.2025 and have no criminal antecedent. Nothing incriminating has been recovered from the conscious possession of the petitioners rather the alleged recovery of the contraband has been recovered from the motorcycle (Pulsar 220 CC) which was being driven by the co-accused Dinesh Choudhary. The petitioners have no concern with the co-accused Dinesh Choudhary. The petitioners have also no concern with the alleged recovery of the contraband. 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 Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioners as also the recovery of contraband being below the commercial quantity, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Basmatiya P.S. case No. 25 of 2025, subject to the following conditions;

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

(ii) The petitioners 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, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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