

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69090 of 2025

Arising Out of PS. Case No.-726 Year-2022 Thana- BAGHA District- West Champaran

Ramraksha Shukla S/O Rajendra Shukla R/O Village - Semarbari, P.S.-
Bhitaha, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

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

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

ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bagaha
PS Case No. 726 of 2022 instituted for the offences under
Sections 8, 20(B)(ii)(c) of the NDPS Act.

3. The prosecution story, in brief, is that during a raid
on 21.10.2022 at about 00:20 hours near the Canal at Bhatora,
five persons carrying bags were spotted, of whom two were
apprehended while three escaped in the darkness, including the
petitioner. On search of the recovered bags, total of 60.700
kilograms of Ganja was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that from perusal of the FIR itself, it would manifest that petitioner was not apprehended on the spot and his name has surfaced in this case on the disclosure made by apprehended co-accused person. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the recovered contraband. The petitioner is in custody since 28.07.2025 and has got two criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. It is submitted that similarly situated co-accused person has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 06.12.2023, passed in Cr. Misc. No. 73952 of 2023.

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, claim based on parity, taking into account the fact that petitioner was not apprehended on the spot 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 Bagaha PS Case No. 726 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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