

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69105 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- BIRPUR District- Supaul

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Sumit Kumar @ Sumit Kumar Goit S/O Surendra Yadav @ Surendra Goyel
@ Goit @ Susrendra Goyel R/o - Bhawanipur, P.O - Sitapur, P.S - Birpur,
District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Birpur
P.S. Case No. 205 of 2024, instituted for the offences punishable
under Sections 8, 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that the police on
the basis of secret information conducted a raid at village
Permanandpur where the petitioner Sumit Kumar was
apprehended while attempting to escape, and in his presence, 47
Kg of ganja was recovered from the house of the co-accused
Rajesh Paswan. It is further alleged that the petitioner has



admitted that the alleged contraband was concealed in the house by him and disclosed that he had come to purchase ganja from Rajesh Paswan who is involved in its smuggling.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case as also cognizance has also been taken against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was apprehended as a passerby near the house of co-accused Rajesh Paswan. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has got no concern with the alleged recovery of ganja. The petitioner is in custody since 11.06.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 61871 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the



NDPS Act and the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, there being no direct evidence against the petitioner to show his involvement in the alleged offence as also 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Birpur P.S. Case No. 205 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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