

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75981 of 2025**

Arising Out of PS. Case No.-1074 Year-2024 Thana- SONEPUR District- Saran

Naga Rai @ Nandlal Rai S/O Rampani Ray R/O Village- Naya Tola,  
Nazarmira, P.S- Sonpur @ Sonapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

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

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

ORAL ORDER

2      31-10-2025                      The present application has been listed under the heading 'To Be Mentioned' for early hearing of the application on account of death of father and mother of the petitioner, who died on 25.10.2025. This Court, however, thought it proper to hear and dispose of the application on merit.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail in Sonpur @ Sonapur P.S. case No. 1074/2024 instituted for the offences under Sections 8(c), 21(b), 25 and 29 of the N.D.P.S. Act.

4. Prosecution allegation, in short, is that in a search conducted by the police, 11.5 gram smack like substance and Rs. 6,54,700/- kept in packet were recovered from the house of



the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 23.07.2025 and has got eight criminal antecedents and the petitioner is on bail in all of them. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is just above small quantity and below the commercial quantity. 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. Co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 07.05.2025 passed in Cr. Misc. No. 27868 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The petitioner has as many as eight criminal antecedents.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner and the recovered contraband below commercial quantity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing***



*of charge, if not already framed*, 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 Sonpur @ Sonepur P.S. case No. 1074/2024, 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.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

**(Rudra Prakash Mishra, J)**

Pankaj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

