

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76864 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- KUNDWACHAINPUR District- East
Champaran

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Daya Shankar Jaiswal @ Daya Shankar Kumar S/o Suresh Chaudhary @
Suresh Kumar Chaudhary Resident of Village - Mahangua, P.S. - Kundwa
Chainpur, District - East Champaran

... .. Petitioner/s

Versus

1. The Union of India through the C.O. 20th S.S.B. Sitamarhi Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s	:	Dr. K.N. Singh, ASG
	:	Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioner and learned
APP for the State and learned ASG for the Union of India.

2. The petitioner seeks bail in connection with
Kundwa Chainpur P.S. Case No. 55 of 2025 instituted for the
offences under Sections 20(b)(ii)(A), 25, 23(b) of the N.D.P.S.
Act.

3. Earlier, vide order dated 16.07.2025 passed in Cr.
Misc. No. 43777 of 2025, the prayer of the petitioner for grant
of anticipatory bail was rejected by this Court.

4. Prosecution case, in short, is that total 4.9 kilograms
of *ganja* has been recovered in this case.



5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 21.08.2025 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. He further contended that petitioner has no concern with the motorcycle in question. 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.

6. Learned A.P.P. for the State and learned ASG for the Union of India vehemently opposed the prayer for grant of bail to the petitioner.

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

8. 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 Kundwa Chainpur P.S. Case No. 55 of 2025, 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) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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