

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80901 of 2025

Arising Out of PS. Case No.-450 Year-2025 Thana- GARDANIBAG District- Patna

Rahul Kumar Son of Sanjay Sao Resident of Ne DVC Road No. 1, in Gali in front of Rameshwaram Apartment, P.S.- Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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

ORAL ORDER

2 15-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Gardanibagh PS Case No. 450 of 2025 instituted for the offences under Sections 21, 22(b), 25 & 29 of the NDPS Act.

3. Prosecution allegation, in short, is on 20.08.2025, while conducting a raid on DVC Road, Govt. Old Quarter, police apprehended two persons namely Rahul Kumar (petitioner) and Manish Kumar who attempted to flee on seeing the police vehicle, and upon search 08 gm smack-like substance was recovered from the possession of the petitioner, while one mobile phone and cash amounting to Rs. 1,970/- were recovered from the other accused.



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 petitioner has no concern with the recovered contraband and he has become the victim of the circumstance. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 21.08.2025 and has got one criminal antecedent. There is no compliance of Sections 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity 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, ***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 Gardanibagh PS Case No. 450 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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