

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81650 of 2025**

Arising Out of PS. Case No.-112 Year-2025 Thana- BIRPUR District- Supaul

Mukesh Kumar Singh Son of Ashok Singh Resident of Ward no. 5, K.S.
college Road, Birpur, P.S. - Birpur, Dist. - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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

ORAL ORDER

2 16-12-2025 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. 112 of 2025, instituted for the offences punishable
under Sections 8(c), 21(b) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 204 gram Heroin from the possession of co-accused
Malaika Khatoon.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner was not arrested
on spot. Name of the petitioner has transpired in this case on the
basis of confessional statement made by co-accused, namely,



Malaika Khatoon and the same has got no evidentiary value. It is further submitted that the petitioner has got no concern with the alleged recovery of Heroin. 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 07.06.2025 and has got two criminal antecedents in which he is on bail. 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, the recovered contraband being below the 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 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. 112 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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