

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90258 of 2024

Arising out of PS. Case No.-328 Year-2024 Thana- BELHAR District- Banka

Dhiraj Kumar Jha @ Dheeraj Jha Son of Ajit Kumar Jha Resident of village - Kaswa, Police Station - Tarapur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s: Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 17-04-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Belhar P.S. Case No. 328 of 2024 instituted for the offences under Sections 21(c), 22(c) and 25 of the NDPS Act.

3. The prosecution case is to the effect that informant, who happens to be a police officer of Belhar Police Station has stated that he got a secret information that a green CNG Auto is coming from Deoghar side loaded with intoxicating material and upon search 23.9 litres of cough syrup kept in two cartoons containing altogether in 239 bottles were seized.

4. It is submitted by learned counsel for the petitioner that from perusal of the FIR it is clear that the petitioner was driving auto and cartoons were kept hidden under the seat of the



auto. It is further submitted that the petitioner had been given Rs. 1,000/- for transporting the said consignment to another person. It is also submitted that even if the allegations are taken to be true the total amount of codeine would come out 2 grams 390 miligrams and it would be under the commercial quantity. It is lastly submitted that the petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and he is in custody since 16.10.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has stated that the petitioner has been found to be transporting the contraband goods and, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of respective counsels and the fact that the petitioner has clean antecedent and he was driving a CNG Auto and the consignment was kept hidden under the seat, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Banka in connection with Belhar P.S. Case No. 328 of 2024, subject to the the following conditions:-



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

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