

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3116 of 2025

Arising Out of PS. Case No.-460 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Dharmendra Chaurasiya S/o Late Krishna Prasad Chaurasiya Faruki R/o
Village- Mohania Ward N0 12, P.S- Mohania ,District- Kaimur at Bhabhua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through NCB

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kiran Kumari Sharma, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

3 22-04-2025 Heard Ms. Kiran Kumari Sharma, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned APP for the
State.

2. The petitioner seeks bail in connection with
Mohania P.S. Case No. 460 of 2024 instituted for the offences
under Sections 8(c), 21(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 100 piece of NRX
Buprenorphine Injection Dolphine has been recovered from the
petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is in custody since 24.07.2024 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. The recovered contraband is below the 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that he has filed counter-affidavit in the matter and at paragraph no. 8 of the said counter-affidavit he has specifically mentioned the total amount of contraband present in the seized 100 pieces of injection and the same is equivalent to 60 mg of Buprenorphine which is less than the small quantity as defined at Serial No. 169 of the NPDS Act.

6. Considering the aforesaid facts and circumstances of the case, the quantity of recovered contraband being less than small quantity as also 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.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection with Mohania P.S. Case
No. 460 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

