

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3594 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- SARSI District- Purnia

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1. Rahul Kumar Mehta @ Rahul Kumar @ Laloo S/o Surya Narayan Mehta
R/o Village- Mirjapur Kothi, P.S.- Simraha, District- Araria
 2. Ashish Kumar Mehta S/o Nagendra Mehta R/o Village- Mirjapur Kothi,
P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioners are in custody in a case registered for an
offence punishable under Sections 8(c)/ 21(b) of the NDPS.

3. As per the allegation in the FIR, the informant
while his vehicle checking duty on 17.10.2024 found two
persons on a Bolero vehicle and after interrogation, both the
accused persons disclose their names as present petitioners,
namely, Rahul Kumar Mehta and Ashish Kumar Mehta and total
98.99 grams smack (brown sugar) was recovered from the
possession of the petitioner, no.1 namely, Rahul Kumar Mehta
and Rs.88,000/- was also recovered from the vehicle of the



petitioners.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He next submits that total 98.99 grams Smack (brown sugar) was recovered from the possession of the petitioner no.1, namely, Rahul Kumar Mehta and nothing has been recovered from the conscious possession of the petitioner no.2, namely, Ashish Kumar Mehta. He further submits that petitioners have got no criminal antecedents as stated in para-3 of the bail petition. He next submits that petitioner are in custody since 18.10.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the FIR, case diary and impugned order dated 06.12.2024, it appears that 98.99 grams Smack (brown sugar) was recovered from the possession of the petitioner no.1, namely, Rahul Kumar Mehta and nothing has been recovered from the conscious possession of the petitioner no.2, namely, Ashish Kumar Mehta and he has no concern with the seized smack, so, I am inclined to grant bail to the petitioner no.2, namely, Ashish Kumar Mehta.

7. Let the petitioner no.2, namely, Ashish Kumar



Mehta be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Sarsi P.S. Case No.190 of 2024.

8. So far as petitioner no.1, namely, Rahul Kumar Mehta is concerned, there is recovery total 98.99 grams smack (brown sugar) from the conscious possession of this petitioner, I am not inclined to grant bail to the petitioner no.1,namely, Rahul Kumar Mehta.

9. Accordingly, the prayer for bail of petitioner no.1, namely, Rahul Kumar Mehta is rejected.

(Ramesh Chand Malviya, J)

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