

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.265 of 2025

Arising Out of PS. Case No.-614 Year-2024 Thana- BIDUPUR District- Vaishali

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Raja Kumar Son of Shivan Paswan Resident of Village - Rajasan, Ward No. 3,
P.S. - Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Ray, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr. Hemant Ray, learned counsel for the

petitioner and Mr. Shailendra Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
03.10.2024, in connection with Bidupur P.S. Case No. 614 of
2024, F.I.R. dated 02.10.2024 registered for the offences
punishable under Sections 8, 20(b)(ii)B & 29 of the N.D.P.S.
Act.

3. The case relates to recovery of 36 Grams of
Narcotic Substance as well as one mobile phone.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offence as alleged in the F.I.R.



He further submits that as per allegation in the F.I.R. that one mobile phone has been recovered from the pocket of the petitioner and 36 Grams of Narcotics Substance has been recovered from the house of the petitioner. He further submits that although recovery has been made from the house of the petitioner and the petitioner is not the absolute owner of the house in question and apart from that there is non-compliance of Sections 42 and 52 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.10.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned Principal District & Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 614 of 2024, subject



to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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