

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53300 of 2025

Arising Out of PS. Case No.-212 Year-2025 Thana- BARACHATTI District- Gaya

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Arun Kumar, S/o Ranjeet Paswan, Resident of Village-Kahudag, P.S.-
Barachatti, Dist.- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Barachatti P.S. Case No.212 of 2025 registered for the

offences punishable under Sections 8, 17-C and 18-C of the

Narcotic Drugs and Psychotropic Substances Act (in short

‘NDPS Act’).

3. The accused/petitioner is named in the FIR and is

in custody since 13.06.2025.

4. Allegation against petitioner is to have in

possession of 17 kg of poppy straw, which alleged to be

recovered from the cabin of truck.

5. Learned counsel appearing on behalf of the



petitioner submitted that the seizure of alleged contraband was made without any preliminary test ascertaining whether same was poppy straw. It is also submitted that the alleged recovery not appears to be made from conscious possession of this petitioner. It is further submitted that the mandatory provisions as available under Section 42 of the NDPS Act not appears followed in present case, besides other mandatory provisions available under Act itself *qua* search, seizure and sampling (SSS). It is also submitted that as the recovered quantity is less than commercial quantity, therefore, rigours of Section 37 of the NDPS Act not appears applicable in present case. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of quantity of recovery, where without any



preliminary assessment, sampling was drawn, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 13.06.2025, accordingly, the petitioner, above-named, is directed to be released on bail 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, Gaya in connection with Barachatti P.S. Case No.212 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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