

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79630 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- KHAJEKALA District- Patna

Ritu Kumar @ Ritu Raj Ranjan S/O Sri Sunil Rai @ Sri Sunil Kumar R/v-
Tenant in the house of Sudama Rai, Diwan Mohalla (Hamampar) P.S.
-Khajekala, Distt. -Patna Permanent resident of village- Mile Bidupur, P.S.-
Bidupur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 79962 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- KHAJEKALA District- Patna

Sudama Rai S/o Sri Jivan Rai R/o Village - Diwan Mohalla (Hamampar), P.S
- Khajekala, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 79630 of 2025)
For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP
(In CRIMINAL MISCELLANEOUS No. 79962 of 2025)
For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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

ORAL ORDER

4 06-02-2026 Heard learned counsel for the petitioners, learned
APP for the State and perused the case diary.

2. The petitioners seek bail in connection with
Khajekala P.S. Case No. 322 of 2025, instituted for the offences



punishable under Sections 8 and 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of total 4 Kg Ganja out of which 1.75 Kg of Ganja has been recovered from a scooty parked in a garage.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners have got no concern with the alleged recovery of Ganja. The petitioners were not arrested on spot. Name of the petitioner have transpired in this case in course of investigation. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner are in custody since 05.08.2025. The petitioner in Cr. Misc. No. 79630 of 2025 has got no criminal antecedent and the petitioner in Cr. Misc. No. 79962 of 2025 has got four criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. It is further submitted that other co-accused has been granted regular bail by this Court vide order dated 11.12.2025 passed in Cr. Misc. No. 80683 of 2025.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioners.

7. Let the petitioner in Cr. Misc. No. 79630 of 2025 be released on bail and the petitioner in Cr. Misc. No. 79962 of 2025 be released on bail *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khajekala P.S. Case No. 322 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Rajorshi/-

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

