

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84306 of 2025

Arising Out of PS. Case No.-198 Year-2025 Thana- KORHA District- Katihar

Md. Raja Son of Md. Mofil @ Md. Sofil Resident of Village - Gerabari Basti
Ward No. 3, P.S.- Korha, District – Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Korha P.S. Case No. 198 of 2025 registered for the alleged offences under Sections 317(4), 317(5), 318(4), 338, 336(3) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 8(c) and 21(b) of the Narcotic Drugs & Psychotropic Substances Act, 1985.

03. As per prosecution case, the petitioner and other co-accused persons were apprehended with a stolen motorcycle and from the possession of the petitioner, recovery of 130.78 gram of smack was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case and no recovery has been made from the petitioner. The recovery shown from the petitioner is planted. Moreover, recovered quantity of contraband is less than the commercial quantity though more than the small quantity as notified by the Government of India, which comes under the intermediate quantity of contraband. Learned counsel further submits that the petitioner is having antecedent of two cases and is in custody since 25.08.2025. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner was caught red handed carrying smack and riding a stolen motorcycle.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Sessions Judge, Katihar/court concerned in connection with NDPS Case No. 118 of 2025 arising out of Korha P.S. Case No. 198 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following



conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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