

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87356 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- KURSAILA District- Katihar

Rupesh Ram S/o Prao Ram @ Paro Ram Resident of Village- Nawabganj,
P.S.- Kursela, District- Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Adv. Mr. Manu Tripurari, Adv. Mr. Raghav Raj Pratap, Adv. Mr. Hritik Anand, Adv. Ms. Jaya Singh, Adv.
For the Opposite Party/s :		Mr. Lalan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with
Kursela P.S. Case No. 193 of 2024 registered for the offences
under Sections 8, 20(B)(ii)(C) of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in
custody since 20.06.2025.

4. As per FIR the petitioner along with other co-
accused persons alleged to be in possession of 58 kilograms
of contraband i.e., *ganja* where alleged recovery was made
from the partly constructed house of co-accused Bahru
Mandal.

5. Mr. Apurv Harsh learned counsel appearing on



behalf of the petitioner submitted that admittedly in terms of FIR, the alleged contraband was recovered from the partly constructed house of named co-accused Bahru Mandal who has already granted bail by this Court through Cr. Misc. No. 30492 of 2025 dated 30.08.2025. It is submitted that during raid said co-accused Bahru Mandal named this petitioner as one of the person who was involved in dealing with contraband with him. In this context it is submitted that save and except this statement of apprehended co-accused Bahru Mandal nothing incriminating material transpired during investigation against petitioner as to suggest his involvement with present crime in question. It is further submitted that nothing transpired during investigation which may suggest that petitioner was under culpable mental state in view of Section 35 of NDPS Act and, therefore, the rigors of Section 37 of NDPS Act cannot be imported in present factual scenario. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as save and except suspicions arising out of statement of apprehended co-accused Bahru Mandal *prima-facie* nothing incriminating appears during investigation as to connect petitioner with present recovery of contraband, coupled with fact as investigation of this case already completed where petitioner remains in custody since 20.06.2025, accordingly petitioner above named, is directed to be released on bail in connection with Kursela P.S. Case No. 193 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act) cum Principal District and Sessions Judge, Katihar/ concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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

