

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6405 of 2025

Arising Out of PS. Case No.-260 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

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Aryan Kumar @ Sumit Kumar S/O Subodh Rai Resident of village -
Raghunathpur Paschim Tola, P.S- Sahebpur Kamal, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sameer Darshan, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 40 of 2024, arising out of Sahebpur Kamal P.S. Case No. 260 of 2024 registered for the alleged offences under Sections 20/22 of NDPS Act.

3. As per prosecution case, a raid was conducted in the shop of the petitioner on information being received about the petitioner is selling smack from his shop. The petitioner was apprehended and from a number of sachets, recovery of 99 gm smack was made apart from a digital weighing machine.

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



case. The recovery has been shown from the shop of the petitioner where number of persons used to come and go and petitioner has no knowledge about recovery of smack. Learned counsel further submits that the weight of the contraband was taken along with wrapper by the police and net weight of the contraband might come below 99 gm. Learned counsel further submits that quantity of recovered contraband is much less than the commercial quantity though it is more than small quantity. Learned counsel further submits that the petitioner is having antecedent of one case but not of same nature. The petitioner is in custody since 10.08.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the contraband recovered from the shop of the petitioner was sent for test and it was found to be heroin. Learned APP further submits that the recovered contraband is much more than small quantity.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner, 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 Principal Sessions Judge, Begusarai/concerned Court in connection with N.D.P.S. Case No. 40 of 2024, arising out of Sahebpur Kamal P.S. Case No. 260 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also 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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