

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11557 of 2025**

Arising Out of PS. Case No.-97 Year-2024 Thana- GALGALIYA District- Kishanganj

Shiv Baroi S/O Govind Baroi @ Gobinda Baroi Village- Debiganj, P.S.-
Khoribari, Dist.- Darjeeling, State- West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12193 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- GALGALIYA District- Kishanganj

Md Kurban S/O Md Makbul @ Md Makbul Hussain R/O Vill.- Chakramari,
P.S.- Khoribari District- Darjeeling (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 11557 of 2025)
For the Petitioner/s : Mr. Mritunjay Kumar, Adv
For the Opposite Party/s : Mr. Yogendra Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 12193 of 2025)
For the Petitioner/s : Mr. Rajeev Ranjan, Adv
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 19-06-2025 Heard learned Counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seek regular bail in a case registered
for the offences punishable under Sections 8(c), 21(b) and 29 of
the N.D.P.S. Act.

3. As per the prosecution case, total 20 grams of



brown sugar along with cash of Rs. 730/- and a mobile phone was recovered from the pocket of the petitioner Shiv Baroi, however, 8 gram of brown sugar and android phone was recovered from the pocket of the petitioner Md. Kurban.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the quantity of the said recovery is intermediate in nature and the provisions mentioned under Section 50 of the NDPS Act has not been followed. It is lastly submitted that the petitioner (Shiv Baroi) has clean antecedent, however, Md. Kurban (petitioner) has one criminal antecedent of similar nature and both the petitioners are in custody since 31.12.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioners were found with narcotic substance and the petitioner Md. Kurban has one criminal antecedent of similar nature of offence.

6. Considering the aforesaid submissions of the parties and also considering the fact that the quantity of the said recovery is less than the commercial quantity coupled with the fact that both the petitioners are in custody since 31.12.2024, let the petitioners above-named, be enlarged on bail on furnishing



bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Kishanganj, in connection with Galgaliya P.S. Case No. 97 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The applications stand allowed.

(Sourendra Pandey, J)

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