

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23677 of 2025**

Arising Out of PS. Case No.-593 Year-2024 Thana- DUMRA District- Sitamarhi

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Surjeet Kumar Barnala @ Maya @ Sujeet Kumar Barnala Son of Chhedi Ram Resident of Village- Bhanprasad, Ward No. 5, P.S.- Dumara, Distt.- Sitamarhi, but in F.I.R. it has been written as Surjeet Kumar Barnaha @ Maya @ Sujeet Kumar Barnala, Male, aged about 19 years Son of Chhedi Ram, Resident of Village- Bhauprasad, P.S.- Dumra, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Madhubala Verma  
For the Opposite Party/s : Mrs. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      30-04-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dumra P.S. Case No. 593/2024 registered for the offences punishable under Sections 8/20(b), II(B) of the N.D.P.S. Act.

3. As per prosecution case, there is alleged recovery of 22 gm. Smack from the possession of the petitioner and he is apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has committed no offence as alleged in the FIR. He further submits that the real culprit managed to escape and the petitioner has falsely been



implicated in this case. The petitioner is languishing in custody since 23.12.2024 and bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner and he has no concern with the seized contraband. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner orally submits that there is alleged recovery of 22 gm Smack from the possession of the petitioner which is less than commercial quantity. He orally further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner. However, he submits that the alleged recovery is less than the commercial quantity.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge (NDPS Act), Sitamarhi in connection with Dumra  
P.S. Case No. 593/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother  
or sister or brother or wife or the person who has sworn the  
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain  
present on all dates and absence for two consecutive dates  
without appropriate permission, would be a ground for  
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the  
witnesses, in that case, the prosecution will be at liberty to move  
for cancellation of bail.

(iv) If the petitioner is found involved in similar  
nature of offences in future, the learned trial court shall be at  
liberty to cancel his bail bond.

**(Alok Kumar Pandey, J)**

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