

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22808 of 2025

Arising Out of PS. Case No.-304 Year-2024 Thana- KORHA District- Katihar

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Bambam Kumar S/o Subodh Kumar @ Subodh Singh Resident of village-
Sadalpur Kala Ward No 12, P.S.- Routara, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the State : Mrs. Meena Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 8(c) and 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case, on secret information regarding smack being transported on a scorpio car, the police personnel intercepted the same and during check, the persons tried to flee, however, one person was chased and apprehended who disclosed his name as Bambam Kumar (petitioner). During search and seizure of the apprehended person 102 gm of smack was recovered apart from mobile phone. It is further alleged that the apprehended person disclosed that the said smack was being delivered to one Gaurav Jha.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and no such seizure as alleged has been made from his conscious possession. It has further been submitted that the seizure becomes doubtful as there is no independent witness to such seizure which is in contravention of the mandatory provision as enshrined under Section 50 of the N.D.P.S. Act. It has further been submitted that charges have already been framed and the petitioner carries clean antecedent and is in custody since 06.11.2024 for carrying an intermediary quantity of smack.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner was apprehended with 102 gm of smack which is above the small quantity.

6. Considering the aforesaid submissions and taking into account the fair antecedent and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Korha P.S. Case No. 304 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.



(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Sourendra Pandey, J)

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