

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26321 of 2025**

Arising Out of PS. Case No.-337 Year-2024 Thana- JANKINAGAR District- Purnia

Subodh Kumar @ Majar, male, aged about 26 years, S/O Mageshwar Yadav,  
R/O Village- Rampur Tilak, Ward No. 11, P.S.- Jankinagar, Distt.- Purnea.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      05-05-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with  
Supplementary Special Case No.151 of 2024 arising out of  
Jankinagar PS Case No.337 of 2024 dated 17.09.2024, instituted  
for the offence punishable under Sections 8(c) and 21(b) of the  
NDPS Act.

3. The prosecution case, in brief, is that on the alleged  
date and time of occurrence, co-accused, namely Gautam  
Kumar, son of Ashok Yadav, Prabhakar Kumar, Laxman Kumar  
and Gautam Kumar son of Manoj Yadav were apprehended by  
the police and in course of search 6.74 gr. smack was recovered  
from the possession of Gautam Kumar, son of Ashok Yadav,  
4.96 gr. smack was recovered from Gautam Kumar son of



Manoj Yadav and 5.85 gm. Smack was recovered from Laxman Kumar, thus, total 17.55 gr. smack was recovered. On being asked about the source of contraband/smack, all the accused persons told that the petitioner is the smack dealer who brings the smack to their houses and they sale it amongst the boys of the villages.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered either from conscious possession or from the house of the petitioner. It is further submitted that four persons were caught by the police and on being asked about the source of contraband, they told that the petitioner is the main smack dealer who brings the smack to their house and they sale it amongst the boys of the villages. It is further submitted that 6.74 gr. smack was recovered from the possession of Gautam Kumar, son of Ashok Yadav, 4.96 gr. Smack was recovered from Gautam Kumar son of Manoj Yadav and 5.85 gm. smack was recovered from Laxman Kumar but nothing has been recovered from the possession of the petitioner. Further submission that co-accused Laxman Kumar, Gautam Kumar son of Manoj Kumar Yadav from whose possession contraband was recovered as well as co-accused



Prabhakar Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 07.01.2025 passed in Cr. Misc. No.85297 of 2024, order dated 19.03.2025 passed in Cr. Misc. No.12264 of 2025 and order dated 19.03.2025 passed in Cr. Misc. No.7252 of 2025 respectively. Lastly, it is submitted that the petitioner is in custody since 09.02.2025 having clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, NDPS Act, Purnea, in Jankinagar PS Case No.337 of 2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of



similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

J. Alam/-

(Khatim Reza, J)

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