

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27108 of 2025**

Arising Out of PS. Case No.-15 Year-2025 Thana- JANKINAGAR District- Purnia

Mithun Kumar S/O Suren Prasad Yadav R/O Village- Bhelahi, Ward No. 11,
P.S- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27138 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- JANKINAGAR District- Purnia

Sudhanshu Kumar S/o Dilip Kumar @ Dilip Yadav R/o Village- Rahikatola,
Ward No. 13, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27108 of 2025)

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 27138 of 2025)

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-05-2025 Since both the applications arise out of Jankinagar

P.S. Case No. 15 of 2025, as such, they have been taken up

together and are being disposed of by this common order.

02. Heard learned counsels for the petitioners and

learned APPs for the State.



03. In the present case, the petitioners seek bail in connection with Jankinagar P.S. Case No. 15 of 2025 registered for the alleged offences under Sections 8(C)/21(b)/25/29 of Narcotic Drugs and Psychotropic Substance Act.

04. As per prosecution case, during checking of vehicles, three persons riding on a motorcycle were stopped and due to their suspicious activities, they were investigated and apprehended. The petitioners are the persons who were apprehended along with co-accused. From the possession of petitioner-Mithun Kumar, 18.65 gram smack like substance, Rs. 25,500/- cash and a mobile phone were recovered. From the possession of petitioner-Sudhanshu Kumar, two mobile phones and Rs. 3,000/- cash was recovered. Apart from aforesaid recovery, a mobile phone was also recovered from the co-accused.

05. Learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the persons or possession of petitioners. Even if it is taken to be true that recovery of 18.65 gram smack was made from the pocket of petitioner-Mithun Kumar, the said quantity is much less than the commercial quantity of 250 gram, though greater than the small



quantity of 05 gram. Learned counsels further submit that the recovery of cash and mobile phones are the personal property of the petitioners. The provisions of Section 50 of NDPS Act has not been followed and the recovery has not been made in presence of any independent witnesses. The petitioner-Mithun Kumar is having antecedent of two cases and in one of the cases, he has been granted anticipatory bail and in another case he is on bail, whereas the petitioner-Sudhanshu Kumar is having clean antecedent. The petitioners are in custody since 11.01.2025 and charge-sheet has been submitted.

06. Learned APPs for the State opposes the prayer for bail. Learned APPs submit that recovery of smack was made from the pocket of trouser of the petitioner-Mithun Kumar and the petitioners have caught red handed and recovery of cash from their possession shows they are actively involved in trade of contraband.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the recovery of intermediate quantity of contraband and further considering the period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea in connection with Special Case No. 86 of 2025 arising out of Jankinagar P.S. Case No. 15 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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