

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34798 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- RUPAULI District- Purnia

Sonu Kumar S/o Late Shankar Yadav R/o Village- Rupauli, Police Station-
Rupauli, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Adv

For the Opposite Party/s : Mr. Anil Kr. Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. Defects in view of averments as made in para 3, be
ignored for the present.

3. The petitioner seeks bail in connection with Rupouli
P.S. Case No. 08 of 2025 registered for the offences under
Sections 8(c) and 21(b) fo the NDPS Act.

4. The petitioner is named in the F.I.R. and is in custody
since 14.01.2025.

5. The allegation against the petitioner is to have in
possession of 10.95 grams of contraband i.e., smack/brown sugar.

6. Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged contraband not appears to be
made from the conscious physical possession of this petitioner as



per seizure list. It is submitted that while searching petitioner, compliance of mandatory provisions of Section 50 of the NDPS Act not appears followed. It is also submitted that other mandatory provisions regarding search, sampling and seizure (SSS) also not appears followed. It is submitted that recovery of contraband is less than commercial quantity, therefore, rigors of Section 37 of the NDPS Act not appears applicable in the present case. It is pointed out that petitioner is a man of clean antecedent, but in the observation of learned Trial Court as made through impugned order dated 10.03.2025 petitioner found involved in 3 cases which seems error of record as same is with regard to co-accused Kishan Kumar. While concluding the argument it is submitted that investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that recovery of alleged contraband is from the possession of this petitioner.

8. In view of aforesaid factual submission and by taking note of fact as recovery of contraband is less than commercial quantity, coupled with the fact as petitioner remains in custody since 14.01.2025, accordingly above named petitioner, is directed to be released on bail in connection with Rupouli P.S. Case No. 08



of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act) Purnea/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with a condition :-

- (i). Learned Trial Court is directed to confirm the antecedent of petitioner at the time of accepting bail bond, whether petitioner is a man of clean antecedent or found involved in three criminal cases as per impugned bail order dated 10.03.2025.
- (ii). If petitioner found involved in any of the cases his bail bond shall not be accepted.

(Chandra Shekhar Jha, J.)

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