

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35098 of 2025

Arising Out of PS. Case No.-739 Year-2024 Thana- NAGAR District- Vaishali

Sunny Kumar son of Sanjay Choudhary Resident of Village- Jadhua Pul
Police Station- Hajipur Town Dist -Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Subhash Kumar, Advocate

For the State : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 14-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 40 of 2024 arising out of Hajipur Town P.S.
Case No-739 of 2024, dated-17.09.2024, registered for the
offences punishable under Sections 8(c), 21(B), 22 and 29 of the
N.D.P.S., Act.

3. As per allegation, 17.23 gram smack has been
recovered from the personal possession of the Petitioner after
compliance of Section 50 of the N.D.P.S., Act.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that no recovery has been made from
the personal possession of the Petitioner. He was not searched in
the presence of the Magistrate despite mandatory provisions of
the N.D.P.S., Act, nor the seized material was sealed in his



presence, nor the sample has been prepared in the presence of the Judicial Magistrate. He further submits that charge-sheet in this case has been submitted and even charge has been framed but till date not even single witness has been examined. He further submits that the alleged recovered contraband is just above the small quantity.

5. He further submits that the petitioner has been languishing in jail since 17.09.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with N.D.P.S. Case No. 40 of 2024 arising out of Hajipur Town P.S. Case No-739 of 2024 on the following



conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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