

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36225 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- KURSAILA District- Katihar

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P.S. Kumar S/o Late Kailash Singh @ Late Kailash Sinh Resident of
Navtoliya, PS- Mohanpur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
(N.D.P.S.) Case No. 27 of 2025 arising out of Kursela P.S. case
No. 23 of 2025 instituted for the offences under Sections 8,
20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance
Act, 1985.

3. As per prosecution case, the petitioner along with
another co-accused person was carrying a bag containing Ganja
and both of them were apprehended by the police on the spot.
On search, the police recovered 13 packets weighing 6.750 Kg.
Ganja like substance from the said bag and the same was seized.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case merely on the basis of suspicion. Charge-sheet has been submitted in this case and the cognizance has also been taken. Petitioner is in custody since 23.01.2025 and has one criminal antecedent in which he is on bail. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has one criminal antecedent of similar nature of offence.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the quantity of the alleged contraband being below the commercial quantity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Special (N.D.P.S.) Case No. 27 of 2025 arising out of Kursela P.S. case No. 23 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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