

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42277 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- BANMANKHI District- Purnia

Pandav Kumar S/O Bindeshwari Sah Resident of Village-Kashipur, Ward No.02, P.S.-Murliganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Deepak Kumar, Advocate Mr. Atul Kumar, Advocate Mr. Dhandev Kumar, Advocate Mr. Sumit Kumar Gupta, Advocate
For the State	:	Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Banmankhi PS Case No. 91 of 2025 instituted for the offences under Sections 8(c), 21(b) & 25 of the NDPS Act.

3. The prosecution alleges that petitioner along with co-accused, was involved in the business of buying and selling smack (brown sugar). During the raid, total 87.59 grams of smack, Rs. 64,740/- cash, and multiple mobile phones were recovered from co-accused and a Car, out of which 26.21 grams smack was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 21-03-2025 and has got five criminal antecedents. 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.

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

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 Banmankhi PS Case No. 91 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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