

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39820 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- Pastpar Pusthi District- Saharsa

Chhavi Kumar Son Of Ramanand Mandal Resident Of Village- Shyam Ward
No. 12, P.S.-Gwalpara, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-07-2025 Heard Mr. Harun Quareshi, learned counsel for the

petitioner and Mr. Nagendra Prasad, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.01.2025 in connection with Pastpar P.S. Case No. 09 of 2025,
F.I.R. dated 14.01.2025 for the offences punishable under
Section 8, 20(B) (II) (A) of the N.D.P.S. Act.

3. According to prosecution case, there is recovery of
4.50 kgs of ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has been in custody since
15.01.2025. He further submits that it appears from the F.I.R.
that altogether 4.50 kgs Ganja has been recovered and apart
from that two mobile and one motorcycle have also been



recovered from the possession of the petitioner and co-accused persons, namely, Chandra Shekhar Kumar. He further submits that in fact, the petitioner has no concerned with the alleged recovery of illicit contraband and the same was recovered from the motorcycle in question and the owner of the motorcycle in question is the father of the co-accused person, namely, Chandra Shekhar Kuamr and another co-accused persons, namely, Fulchand Mandal and Munna singh have been granted privilege of anticipatory bail vide order dated 21.05.2025 in Cr. Misc. Nos. 33972 of 2025 and 33551 of 2025 respectively by this Court. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 52(A) of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Principal Sessions Judge-cum-Special Judge-cum-Special Judge, Saharsa in connection with Pastpar P.S. Case No. 9 2025, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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