

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45708 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- BANMANKHI District- Purnia

Hemant Kumar @ Hemant Yadav @ Heman Kuma S/o Vijay Yadav @ Vijay Kumar Yadav Resident of Baghmara, P.S.- K- Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the State : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-07-2025 Heard the parties.

2. The petitioner is in custody in connection with Special Case No. 161 of 2025 arising out of Banmankhi P.S. Case No. 96 of 2025 for the offence punishable under sections 8(c), 21(b) and 25 of the NDPS Act, lodged on 24.03.2025 by the informant, Sanjay Kumar.

3. As per the prosecution story, the informant alleged that upon information Naresh Kumar Sah and Amardip Kumar were intercepted and there is recover/seizure of 205 gram smack and Rs.1,15,230 in cash from Naresh Kumar Sah while 40.7 gram smack, two mobile phones and a motorcycle from Amardeep Kumar. This led to the F.I.R.

4. Learned counsel for the petitioner submits that subsequently Naresh Kumar Sah gave the name of this



petitioner as a person from whom the purchase was made. He submits that neither the raid took place at his house nor there is any recovery/seizure from his conscious possession and only because he has criminal antecedent and named by the accused, is in custody since 20.05.2025.

5. Learned APP opposes the prayer for bail submitting that the persons from whom recovery made gave the name of this petitioner.

6. Considering the submission of the parties as also the fact that has been narrated that pursuant to the said confession, no raid/recovery is from the part of the petitioner, F.I.R. is there, he shall be facing the music, is in custody since 20.05.2025, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (NDPS Act), Purnea, in connection with Special Case No. 161 of 2025 arising out of Banmankhi P.S. Case No. 96 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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