

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47263 of 2025**

Arising Out of PS. Case No.-188 Year-2025 Thana- Sahayak Khajanchi District- Purnia

Gunjan Kumar Son of Dinesh Sharma Mohalla- Sudin Chowk, Shanti Nagar,  
Tatma Toli, ward no. 24, P.S -Maranga District -Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

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

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

ORAL ORDER

2      30-07-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Sahayak Khajanchi P.S. Case No. 188 of 2025 instituted for the  
offences under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 14 grams of  
smack has been recovered in this case, out of which 11 grams of  
smack has been recovered from this petitioner.

4. Learned counsel for the petitioner submitted that the  
petitioner has falsely been implicated in the present case.  
Charge-sheet has been submitted in this case. Petitioner is in  
custody since 23.05.2025 and has three criminal antecedents.  
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.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity as also 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 Sahayak Khajanchi P.S. Case No. 188 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.

(III) 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.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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