

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53984 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- SARSI District- Purnia

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Tinku Yadav @ Chandan Kumar S/o Sugga Yadav Vill.- Sarsi Durga Asthan,
Ward no. 6, P S- Sarsi, Distt.- Purnea, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with Sarsi
P.S. Case No. 97 of 2025 registered for the offence under
Section 8(c)/21(b)/25 and 29 of the N.D.P.S. Act.

3. As per the FIR petitioner alleged for possession of
101.68 gm (with polythene) contraband i.e. smack/brown
sugar.

4. The petitioner is named in the F.I.R. and is in
custody since 13.05.2025.

5. Learned counsel appearing on behalf of the
petitioner submitted that as per seizure list it could be
gathered that recovery of contraband was not made from



conscious physical possession of the petitioner. From the face of FIR, it could be gathered also that compliance of mandatory provisions of law regarding search, sampling and seizure (S.S.S.) also not appears followed in its true spirit. It is pointed out that the recovered quantity is intermediate quantity and therefore provisions of Section 37 of the N.D.P.S. Act not appears applicable in the present case. It is further pointed out that the petitioner implicated with the present case for the simple reasons that prior to this, he was implicated with three more cases of similar nature out of confessional statement where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP has opposed the prayer for bail and submitted that recovery of contraband was made from the possession of the petitioner.

7. In view of aforesaid facts and circumstances and by taking note of the fact that the recovered contraband appears less than commercial quantity, where import of



Section 37 N.D.P.S. Act does not appear applicable, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 13.05.2025, accordingly petitioner above named, is directed to be released on bail in connection with Sarsi P.S. Case No. 97/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS and further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and



exemption from physical appearance be
allowed by the Trial Court, only on medical
ground of the petitioner, duly supported by
the documents.

(Chandra Shekhar Jha, J)

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