

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53913 of 2025

Arising Out of PS. Case No.-240 Year-2025 Thana- DESARI District- Vaishali

Arvind Kumar S/O Bharat Ray R/O Village- Shekhopur, P.S- Desari(Sahadei),
Dist- Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Adv

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Desari P.S. Case No. 240 of 2025 registered for the offence under Sections 8, 20(b)(ii)(B) and 29 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 03.07.2025.

4. As per FIR, 7.11 grams heroine kept in 16 small packets were recovered from the medical shop alleged to be owned by this petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of contraband not appears to be made from the conscious physical possession of this petitioner. It is also submitted that compliance of SSS (search, sampling and seizure) not appears to be followed in its true spirit as provisioned under NDPS Act, 1985. It is further submitted that as



recovered quantity is less than commercial quantity, therefore, rigors of Section 37 of the NDPS Act not appears applicable. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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 opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as recovered quantity of contraband is less than commercial quantity, coupled with the fact as investigation of this case already completed where petitioner remains in custody since 03.07.2025, accordingly petitioner above named, is directed to be released on bail in connection with Desari P.S. Case No. 240 of 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 Principal District and Sessions Judge, Vaishali/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.



S.Tripathi/-

(Chandra Shekhar Jha, J.)

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