

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52421 of 2025

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

=====

Pawan Kumar Yadav S/o Late Wakil Yadav Resident of Durga Asthan,
Istamrar Milki, Ward No.06, P.S.- Sarsi, District- Purnea- Pin- 854206

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Anand, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-10-2025 Heard learned counsel appearing for the petitioner

and learned A.P.P. for the State.

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. The accused/petitioner is named in the First

Information Report and is in custody since 13.05.2025.

4. As per FIR, petitioner alleged to have in

possession of 23.25 grams of contraband i.e. Brown

Sugar/Smack.

5. The petitioner is named in the F.I.R. and is in

custody since 13.05.2025.

6. Learned counsel appearing on behalf of the



petitioner submitted that name of this petitioner transpires on the basis of confessional statement of co-accused namely, Tinku Yadav @ Chandan Kumar, who has already granted bail by this Court through Cr. Misc. No. 53984/2025 dated 18.09.2025. 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 four more criminal cases where he is on bail and, moreover, investigation of this case is already completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

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

8. 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 investigation of this case is already completed, where petitioner remains 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 Special Judge (N.D.P.S. Act), Purnea/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/Section 480(3) of B.N.S.S. 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)

Rajeev/-

U		T	
---	--	---	--

