

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70393 of 2025**

Arising Out of PS. Case No.-43 Year-2025 Thana- DIGHA District- Patna

Sanjiv Kumar S/o- Prem Prasad Singh @ Prem Singh Resident of Naya
Panapur, PS- Akilpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP

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

ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Digha
P.S. Case No. 43 of 2025 instituted for the offences under
Sections 8(C), 20, 22 of the N.D.P.S. Act.

3. As per prosecution case, altogether 30 sachets
containing 15.71 grams of brown sugar from the possession
of all the accused persons including the petitioner. It is
alleged that one sachet has been recovered from the
possession of the 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 20.01.2025 and has two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing 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. He further submits that the co-accused persons have already been granted bail by this Court vide orders dated 02.04.2025, 22.04.2025 & 09.05.2025 passed in Cr. Misc. Nos. 18760 of 2025, 21122 of 2025 and 32248 of 2025 respectively.

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, the period of custody undergone by the petitioner, the quantity of the contraband which is much below the commercial quantity as also the prayer for bail being based on parity, this Court is inclined to grant bail



to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Digha P.S. Case No. 43 of 2025.

(Rudra Prakash Mishra, J)

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