

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70716 of 2025

Arising Out of PS. Case No.-313 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

Debesh Kumar @ Madhav S/o Debendra Prasad Yadav R/o Village-
Bishanpur, Ward No. 39, P.S.- and District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 8/20(b)(ii)/22(a) of the N.D.P.S.
Act.

3. The allegation in the first information report is that
72.11 grams of smack was recovered from the possession of one
Vinod Kumar who was sitting as a passenger in Swift Dzire car
being driven by the petitioner.

4. Learned counsel for the petitioner submits that it
would be apparent from the first information report itself that the
recovery has been made from the pocket of co-accused Vinod
Kumar, as such, there is no recovery from the personal or
conscious possession of this petitioner who was only driving the
vehicle. It is submitted that the petitioner had no knowledge



whatsoever of Vinod Kumar being in possession of the said contraband. It has also been submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list. Further, the quantity of the contraband is much less than commercial quantity and the petitioner is in custody since 05.08.2025 and the charge-sheet has been submitted of 26.09.2025.

5. Learned APP for the State has opposed the application for bail to the petitioner on the grounds mentioned in the first information report.

6. Taking into consideration the facts and circumstances and also considering that there is no recovery from the personal possession of the petitioner who has no criminal antecedent and the charge-sheet also having been submitted, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with N.D.P.S. Case No. 49 of 2025 arising out of Town P.S. Case No. 313 of 2025.

(Soni Shrivastava, J)

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