

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2426 of 2026

Arising Out of PS. Case No.-56 Year-2025 Thana- CHARPOKHARI District- Bhojpur

Sushil Pandey @ Sushil Kumar Pandey @ Nishant Kr. Pandey S/o- Kamlesh
Pandey R/v- Nagri Ps- Charpokhri Dist-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Santosh Pandey, Advocate
		Mr. Mayank Raj, Advocate
		Mr. Rahul Singh, Advocate
For the Opposite Party/s :		Mrs. Renu Kumari, APP

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

ORAL ORDER

2 21-01-2026 Heard Mr. Ramakant Sharma, learned senior counsel
for the petitioner and Mrs. Renu Kumari, learned APP for the
State.

2. The petitioner seeks bail in connection with NDSL
Case No. 7 of 2025 arising out of Charpokhari P.S. Case No. 56
of 2025 instituted for the offences under Sections 20(B)/(ii)B,
22(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 1.900 kilogram of
ganja has been recovered in this case.

4. Earlier, vide order dated 13.08.2025 passed in Cr.
Misc. No. 32661 of 2025 the petitioner was granted anticipatory
bail by a coordinate Bench of this Court, subject to the condition



that the Trial Court shall verify the criminal antecedent of the petitioner before acceptance of bail bonds. However, due to the mismatch in the criminal antecedents, the bail bonds of the petitioner could not be accepted.

5. Learned senior 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 06.12.2025 and has four criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. 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.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than the commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDSL Case No. 7 of 2025 arising out of Charpokhari P.S. Case No. 56 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

