

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3226 of 2026

Arising Out of PS. Case No.-202 Year-2025 Thana- Kharagpur District- Munger

Anand Saw S/o Arun Saw @ Arun Sah R/o - Mahadevpur, Block Colony, P.S
- Kharagpur, District - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar Singh, Advocate
For the Union of India	:	Mr. Arvind Kumar, CGC
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2026 Heard Mr. Sanjiv Kumar Singh, learned counsel for the petitioner, Mr. Arvind Kumar, learned CGC for the Union of India and Mr. Pawan Kumar Chaurasia, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 09.09.2025, in connection with N.D.P.S. Case No. 09 of 2025 arising out of Kharagpur P.S. Case No. 202 of 2025, F.I.R. dated 08.09.2025 registered for the offences punishable under Sections 8(C), 21(b), 22(b), 29, 25 of the N.D.P.S. and Section 7 of the Lotteries Act, 1998.

3. The case relates to recovery of 8.7 gms. of Smack from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated



in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether 101 *Puria of Smack (28 grams)* was recovered from the possession of the petitioner and other co-accused person and 31 *Puria of Smack* was recovered from the possession of the petitioner and the recovered contraband is 8.7 grams of Smack and the same is an intermediate quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.09.2025.

5. Learned counsel for the Union of India as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the possession of the petitioner and other co-accused person.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the recovered contraband is less than the commercial quantity, let the petitioner, above named, be released 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 learned Sessions Judge, Munger in connection with N.D.P.S. Case No. 09 of 2025 arising out of Kharagpur P.S. Case No. 202 of 2025, subject to the



following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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