

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3892 of 2026

Arising Out of PS. Case No.-147 Year-2025 Thana- JOGBANI District- Araria

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Pappu Kumar Patel @ Pappu Patel Son of Bhutai Prasad Patel R/o Village -
Indra Nagar, Tikuliya Basti, Ward no. 04, P.S. - Jogbani, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr. Kundan Kumar Singh, learned counsel for

the petitioner and Mr. Surendra Kumar, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.11.2025 in connection with Jogbani P.S. Case No. 147 of
2025, F.I.R. dated 19.11.2025 for the offences punishable under
Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. Recovery is of 06.60 grams of smack.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that altogether 06.60 grams of Smack has
been recovered from the possession of the petitioner. He further
submits that there is non-compliance of the mandatory provision



of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. The petitioner is in custody since 19.11.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries five criminal antecedents other than the present one but fairly submits that he is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances and the fact that 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum Special Judge, NDPS, Araria in connection with Jogbani P.S. Case No. 147 of 2025, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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 antecedent, 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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