

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6559 of 2026

Arising Out of PS. Case No.-1843 Year-2025 Thana- PHULWARISHARIF District- Patna

1. Amit Kumar S/o Lal Deo Rai Resident of - Birla Colony (Near Police Chouki), P.S - Phulwarisharif, District - Patna
2. Akash Kumar S/o Moti Mahto Resident of - Sangat Kumahar Toli, P.S - Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 23-07-2026 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Phulwarisharif P.S. Case No. 1843 of 2025, instituted for the offences punishable under Sections 8, 8(c), 20(b)(ii)(A) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of total 16.83 gram of smack and 161 gram of ganja in this case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioners. Learned counsel for the petitioners further submits that the petitioners have got no concern with the alleged recovery of smack and ganja. The recovered smack is below the commercial quantity and recovery of ganja is below small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners are in custody since 16.11.2025. Petitioner no. 1 has got two criminal antecedents and petitioner no. 2 has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwarisharif P.S. Case No. 1843 of 2025, subject to the following conditions:



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

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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