

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3676 of 2026

Arising Out of PS. Case No.-233 Year-2025 Thana- KRITYANAND NAGAR District-
Purnia

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Aman Kumar Son of Sri Naresh Yadav Resident of Village - Garhiya Balua
Bishanpur, P.S. - K. Nagar, Dist. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2026 Heard Mr. Amit Kumar Anand, learned counsel for
the petitioner and Mr. Umanath Mishra, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.09.2025 in connection with Special (NDPS) Case No. 270 of
2025 arising out of K. Nagar P.S. Case No. 233 of 2025, F.I.R.
dated 25.09.2025 for the offences punishable under Sections
8(c) and 21(c) of the N.D.P.S. Act.

3. Recovery is of 49 bottles each of 100 ml Codeine
Phosphate & Triprolidine HCL Syrup.

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 49 bottles each of 100 ml Codeine



Phosphate & Triprolidine HCL Syrup have been recovered from the motorcycle in question and the petitioner was apprehended along with other accused person, namely, Pradeep Kumar. 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. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.09.2025.

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

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 District & Additional Sessions Judge-



II-cum-Special Judge (NDPS Act), Purnea in connection with Special (NDPS) Case No. 270 of 2025 arising out of K. Nagar P.S. Case No. 233 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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