

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5395 of 2026

Arising Out of PS. Case No.-57 Year-2025 Thana- SUHAIL District- Gaya

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Gautam Kumar S/O Bhagwat Yadav Resident of village- Suhail, P.S.- Suhail,
Distt.- Gaya (Gayaji)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-01-2026 Heard Mr. Yogesh Kumar, learned counsel for the
petitioner and Mr. Bhanu Pratap Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
15.07.2025, in connection with Suhail P.S. Case No. 57 of 2025,
F.I.R. dated 14.07.2025 registered for the offences punishable
under Sections 8, 15(c), 18, 25 and 29 of the N.D.P.S. Act.

3. The case relates to recovery of 206.69 grams of
Smack.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R. Although recovery
has been made from the motorcycle of the petitioner. Learned



counsel for the petitioner submits that there is non-compliance of mandatory provision of N.D.P.S. Act and the recovered contraband is less than the commercial 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 chargesheet has been submitted against the petitioner without FSL report and the petitioner is in custody since 15.07.2025.

5. 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 motorcycle of the petitioner and apart from aforesaid petitioner carries one more case of Excise matter but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances of the case and the fact that the recovered contraband is less than the commercial quantity and there is non compliance of mandatory provision of N.D.P.S. Act, 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 District and Additional Sessions Judge-17, Gaya in connection with Suhail P.S. Case No. 57 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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