

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6892 of 2026

Arising Out of PS. Case No.-341 Year-2025 Thana- JANKINAGAR District- Purnia

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Sourav Bhagat @ Sourav Kumar Son of Gouri Shankar @ Gauri Shankar
Bhagat Resident of Village- Madhuban ward no. 06, P.S.- Janki Nagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Janki Nagar PS Case No.341 of 2025 dated 26-10-2025, instituted for the offence punishable under Sections 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the N.D.P.S. Act').

3. The allegation is of recovery of 19.90 grams of a smack like substance, packed in four transparent packets contained in a black polythene bag from the left pocket of the petitioner while a blue OPPO F27 Pro+ mobile phone was recovered from the right pocket of the petitioner. It is further



alleged that the petitioner failed to produce valid documents relating to his mobile phone and motorcycle. The petitioner is alleged to have disclosed that the recovered substance was smack brought from Murliganj for the purpose of illegal sale and to have admitted his previous involvement in cases relating to smack and liquor. The recovered contraband, along with the mobile phone and motorcycle was seized and a seizure memo was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case. It is further submitted that the petitioner has been arrested at the spot and no incriminating article has been recovered from his conscious possession. It is submitted that although there is recovery of 19.90 grams of smack-like substance as alleged by the police, but after certification, the net weight was found to be only 12.53 grams. Therefore, the alleged recovery does not fall within the category of commercial quantity, but is more than small quantity and less than commercial quantity. Learned counsel further submits that on the alleged date and time of occurrence the petitioner was merely returning from the market where the local police were conducting routine checking. On the basis of suspicion alone,



the petitioner was apprehended and falsely shown to have been caught red-handed. It is further submitted that the mandatory provisions of the NDPS Act, particularly Sections 42 and 50, have not been complied with. The search and seizure are alleged to have been conducted in a mechanical and casual manner. The petitioner has been in judicial custody since 27.10.2025 and has four criminal cases pending against him.

5. Learned counsel for the State vehemently opposed the prayer for bail and submits that the petitioner was caught red-handed with smack in his conscious possession. It is submitted that initially 19.90 grams of smack-like substance was recovered from the petitioner and after certification, the net weight was found to be 12.53 grams, which clearly falls under the category of intermediate quantity under the NDPS Act. The recovery was made from the left pocket of the petitioner, while a mobile phone (OPPO F27 Pro+) with specific IMEI numbers and SIM card was recovered from the right pocket, indicating his involvement in the illicit trade of prohibited narcotics substances. The petitioner is stated to be involved in four criminal cases, including Jankinagar P.S. Case No. 5 of 2025 under Sections 8(c) and 21(b) of the NDPS Act of similar nature clearly demonstrating that the petitioner is a habitual offender



engaged in the trade of prohibited narcotic substances such as smack/brown sugar and the charge-sheet in the present case has already been submitted. It is further submitted that the petitioner's activities are harmful to society, especially to the youth and drug trafficking has serious and damaging effects on the community.

6. Having regard to the facts and circumstances of the case and after hearing learned counsel for the parties and from perusal of the record, it *prima facie* appears that the petitioner was found in conscious possession of 19.90 grams of smack, which is more than small quantity and less than commercial quantity. The plea of non-compliance of Sections 42 and 50 of the NDPS Act involves appreciation of evidence and cannot be examined at the stage of bail, where only the existence of a *prima facie* case is to be considered. The materials further indicate that the petitioner is a habitual offender, with a similar case pending against him, reflecting a continuing criminal propensity that cannot be ignored.

7. Considering the nature of accusation, quantity involved, criminal antecedents, and the serious societal impact of narcotic offences, this Court is of the considered opinion that the petitioner does not deserve bail at this stage.



8. Accordingly, the prayer for bail is rejected.

(Khatim Reza, J)

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