

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6596 of 2026

Arising Out of PS. Case No.-1646 Year-2025 Thana- PHULWARISHARIF District- Patna

Bishun Kumar S/o- Arun Paswan, R/v- Near Sangat Bajrangbali Mandir, PS-
Phulwarisharif, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Pramod Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1646 of 2025 dated 07.10.2025, registered for the offences punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. As per the prosecution case, petitioner and co-accused were apprehended selling smack and from their possession, 21.21 grams of smack was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Nothing incriminating has been recovered from person or possession of the petitioner. The seizure list was not prepared in presence of independent witnesses and there is non-compliance of provisions of B.N.S.S.



regarding search and seizure. The recovery from the petitioner is of 51 small sachets weighing about 16.64 grams only, and even otherwise the whole recovery is above the small quantity and much less than commercial quantity. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 08.10.2025.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the intermediate quantity recovery and also considering the submission of chargesheet, clean antecedent of the petitioner and his period of custody, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge / Special Judge (NDPS), Patna / concerned Court, in connection with **Phulwarisharif P.S. Case No. 1646 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the



petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

Shahnawaz/-

U		T	
---	--	---	--

