

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15079 of 2026

Arising Out of PS. Case No.-732 Year-2025 Thana- NAUBATPUR District- Patna

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Kundan Kumar S/O Munna Prasad R/O Nisarpura Lakh, P.S.- Naubatpur,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-03-2026 Heard Mr.Pramod Kumar, learned counsel for the
petitioner and Mr.Madan Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
06.12.2025 in connection with Naubatpur P.S. Case No. 732 of
2025, F.I.R. dated 05.12.2025 registered for the offence
punishable under Section 8(c),21(B)of N.D.P.S.Act.

3. Recovery is of 6.25 grams of heroin.

4. Learned counsel appearing for the petitioner
submits that it appears from the FIR as well as seizure list that
nothing has been recovered from conscious possession of the
petitioner rather the recovery has been made from possession of
co-accused person, namely, Javed Alam and altogether 6.25
grams of Smack has been recovered from possession of co-
accused person and petitioner has been made accused in the



present case merely on the ground that he was present with co-accused person. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the N.D.P.S. Act and apart from that, the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.12.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts and nothing has been recovered from conscious possession of the petitioner, 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 learned Sessions Judge-cum-Special Judge (NDPS), Patna in connection with Naubatpur P.S. Case No. 732 of 2025, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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