

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16594 of 2026

Arising Out of PS. Case No.-311 Year-2025 Thana- NADI P.S. District- Patna

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1. Birendra Kumar S/o Laxman Ray R/o vill - Mohanpur, P.S.- Raghopur, Distt.- Vaishali
 2. Sanni Kumar @ Sunny Kumar S/o Akhilesh Ray @ Aklesh Ray R/o vill - Mohanpur, P.S.- Raghopur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
For the State : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2026 Heard Mr. Prince Kumar Mishra, learned counsel for the petitioners and Mr. Harendra Prasad, learned APP for the State.

2. Petitioners seek bail, who are in custody since 08.11.2025, in connection with Nadi P.S. Case No. 311 of 2025, F.I.R. dated 07.11.2025 registered for the offences punishable under Sections 8 and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case relates to recovery of 2.030 Kgs. of Glanja.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have 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. It appears from the F.I.R. as well as seizure list that altogether 2.030 Kgs. of Ganja was recovered from the motorcycle in question which suggests that nothing has been recovered from the conscious possession of the petitioners. He further submits that there is non compliance of mandatory provision of Sections 45 and 50 of the N.D.P.S. Act and the recovered contraband falls under the intermediate quantity, so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioners on bail and the recovered contraband is much less than the commercial quantity. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 08.11.2025.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is non compliance of mandatory provisions of Sections 45 and 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity, so there is no embargo under



Section 37 of the N.D.P.S. Act, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge (NDPS), Patna in connection with Nadi P.S. Case No. 311 of 2025, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(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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