

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18487 of 2026

Arising Out of PS. Case No.-18 Year-2026 Thana- NAUBATPUR District- Patna

Vishwakarma Kumar S/o Luvkush Sharma R/o Village- Taret, PS- Naubatpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bindu Kumari, Advocate
For the State : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Ms. Bindu Kumari, learned counsel for the
petitioner and Mr. Ajay Kumar Jha, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
09.01.2026, in connection with Naubatpur P.S. Case No. 18 of
2026, F.I.R. dated 08.01.2026 registered for the offences
punishable under Sections 8 (c)/21(b) of N.D.P.S. Act.

3. The case relates to recovery of 5.57 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. She further submits that it appears from the F.I.R. as
well as seizure list that altogether 5.57 grams of Smack (net
weight excluding packing) was recovered from the possession of
the petitioner and apart from aforesaid one Android mobile phone



and Rs. 350/- in cash was also recovered from the possession of the petitioner. She further submits that there is non compliance of mandatory provisions of Sections 42 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 to enlarge the petitioner on bail. The petitioner is in custody since 09.01.2026.

5. Learned APP for the State, on the other hand, 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 on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that there is non compliance of mandatory provisions of Sections 42 and 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity, 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 Chief Judicial Magistrate, Patna in connection with Naubatpur P.S. Case No. 18 of 2026, 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 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.

(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 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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