

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16307 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- RUPASPUR District- Patna

Sonu Kumar Bharti @ Sonu Giri S/o- Yogendra Bharti R/o- Mane Mathiya,
P.s- Ekma Dist- Saran Chapra , Present R/o- Vijay Nagar, Road No- 8 , Renter
Urmila Palce P.s- Rupaspur , Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-03-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Rupaspur PS Case No. 05 of 2026 instituted for the offences
under Sections 8(c), 21(B), 8, 20(B)(II)(A) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 14 grams smack and 19 grams ganja from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner further submits that petitioner has no concern with



the recovered contraband and the same is planted by the police party. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 06.01.2026 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rupaspur PS Case No. 05 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

Raj Kishore/-

(Rudra Prakash Mishra, J)

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