

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20961 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- GARDANIBAG District- Patna

=====

Amar Singh S/o- Suresh Prasad R/v- Saichak Bhatha Par, Ps- Beur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Ganesh Prasad Yadav, Advocate
For the State : Mr. Shailendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-03-2026 Heard Mr. Ganesh Prasad Yadav, learned counsel for the petitioner and Mr. Shailendra Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 15.01.2026, in connection with Gardanibagh P.S. Case No. 45 of 2026, F.I.R. dated 14.01.2026 registered for the offences punishable under Sections 21, 22(b), 25, 29 of N.D.P.S. Act.

3. The case relates to recovery of 41 Puriyas weighing 20 grams of *Smack*.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has 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 nothing incriminating article has been recovered from the possession of the petitioner rather recovery has been made from co-accused person, namely, Ajeet Kumar @ Ajeet Baba and the petitioner has no concern at all with the alleged recovery of contraband or the co-accused person. Although the alleged recovery of contraband from co-accused person which 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 and only one black colour Nokia mobile was recovered from the possession of the petitioner and there is non compliance of mandatory provisions of Section 50 of the N.D.P.S. Act and Section 103 of the B.N.S.S., 2023. The petitioner is in custody since 15.01.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing incriminating article has been recovered from the possession of the petitioner and there is non compliance of mandatory provisions of Section 50 of the N.D.P.S. Act and Section 103 of the B.N.S.S., 2023 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 Exclusive Special Judge I, N.D.P.S., Act, Patna in connection with Gardanibagh P.S. Case No. 45 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)

Ibrar//-

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

