

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20459 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- PACHMAHLA District- Patna

Kanhaiya Kumar S/O Ram Naresh Singh Resident of Village- Nauranga
Jalalpur, P.S.- Pachmahla, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the State : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-03-2026 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and Mr. Dr. Kumar Uday Pratap, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
17.01.2026, in connection with Pachmahla P.S. Case No. 08 of
2026, F.I.R. dated 17.01.2026 registered for the offences
punishable under Sections 8 /20(b)(ii)(B) of N.D.P.S. Act.

3. The case relates to recovery of 1.160 Kgs. of
Ganja like substance, one Realme Mobile and Rs. 1090/- cash.

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 it appears from the
F.I.R. that altogether 1.160 Kgs. of *Ganja* like substance, one
Realme Mobile and Rs. 1090/- cash was recovered from the



possession of the petitioner. Learned counsel for the petitioner further submits that 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, 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 17.01.2026.

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 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 Sessions Judge/Special Judge (NDPS), Patna in connection with Pachmahla P.S. Case No. 08 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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