

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21310 of 2026

Arising Out of PS. Case No.-10 Year-2026 Thana- Champanagar District- Purnia

Kanhaiya Kumar@ Kanhiay Kumar S/o Rajesh Sah @ Rajesh Kumar Sah R/o
Village- Jagarnathpur, Ward No 1, PS- Champanagar, Distt- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-04-2026 Heard Mr.Bijendra Kumar Singh, learned counsel for
the petitioner and Mr.Ajit Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
18.01.2026 in connection with Champanagar P.S. Case No. 10
of 2026, F.I.R. dated 17.01.2026 registered for the offence
punishable under Sections 8(c) and 21(b) of N.D.P.S.Act.

3. Recovery is of 29.43 Gm of Brown Sugar.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He further
submits that it appears from the FIR that altogether 29.43 Gm of
Brown Sugar like substance has been recovered from possession
of accused persons including the petitioner and 6.33 Grams of
Brown Sugar like substance which was kept in 18 Puria and one
Mobile with SIM has been recovered from possession of the



petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the NDPS Act and the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the petitioner is in custody since 18.01.2026.

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

6. Considering the aforesaid facts, petitioner has clean antecedent, there is non-compliance of Section 50 of the NDPS Act and the recovered contraband is less than the commercial quantity i.e. 6.33 Gm., let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Purnea in connection with Champanagar P.S. Case No. 10 of 2026, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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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