

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22513 of 2026

Arising Out of PS. Case No.-732 Year-2025 Thana- NAUBATPUR District- Patna

Suraj Kumar Son of Munna Prasad Resident of Nisarpura Lakh, Police
Station - Naubatpur, District - Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr. Pramod Kumar, learned counsel for the

petitioner and Mr. Ramesh Chandra, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Naubatpur P.S. Case No. 732 of 2025, F.I.R.
dated 05.12.2025 for the offences punishable under Sections
8(c) and 21(B) of the NDPS Act.

3. Recovery is of 6.25 grams of Smack.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner fled away from the place of occurrence and the co-
accused, namely, Javed Alam and Kundan Kumar were
apprehended by the police and from the possession of Javed
Alam Rs. 800/- and 6.25 gram of Smack were recovered and
from the possession of Kundan Kumar Rs. 400/- was recovered.



He further submits that except the disclosure made by the apprehended co-accused persons, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that 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 anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, except the disclosure no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence and the recovered contraband is less than the commercial quantity but more than the small quantity , let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Sessions Judge-cum-Special Judge



(NDPS), Patna in connection with Naubatpur P.S. Case No. 732 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his 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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