

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27990 of 2026

Arising Out of PS. Case No.-299 Year-2025 Thana- KARJA District- Muzaffarpur

Amar Kumar Son of Birendra Sahani @ Virendr Sahani Resident of Village -
Chhapra Manortha, P.S.- Kanti, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2026 Heard Mr.Santosh Kumar, learned counsel for the
petitioner and Mr.Zainul Abedin, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
22.10.2025 in connection with Karja P.S. Case No. 299 of 2025,
F.I.R. dated 21.10.2025 registered for the offence punishable
under Sections 317(2),317(5),3(5) of BNS and Sections 8(c)
and 21 of the N.D.P.S.Act and Sections 25(1-B) (a), 26,35 of
the Arms Act.

3. Recovery is of 7.60 Gm of Smack from possession
of the petitioner, 6.84 Gms of Smack from possession of co-
accused person, namely, Sajid and a country made pistol with
one live cartridge, 10.652 Gms of Smack and a Realme
Smartphone from possession of co-accused person, namely,
Karan Kumar.



4. Learned counsel appearing for the petitioner submits that the arms has been recovered from possession of co-accused person, namely, Karan Kumar and from possession of the petitioner, 7.60 Gm of Smack like substance was recovered from the pocket of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of the mandatory provisions of the NDPS Act and the recovered contraband is less than the commercial quantity and more than the small 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 police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.10.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is less than the commercial quantity, apart from that, the seizure list witnesses are police personnel. Further submits that the petitioner carries four more cases other than the present one, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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, Exclusive Special Court-1 (NDPS), Muzaffarpur in connection with Karja P.S. Case No. 299 of 2025, 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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