

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28374 of 2026

Arising Out of PS. Case No.-113 Year-2023 Thana- KHAGARIA RAIL P.S. District-
Khagaria

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Amit Kumar S/o Late Raj Kishore Singh R/o Village - Desari, P.S. - Desari,
Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 8(c) and 21(b) of N.D.P.S. Act.

3. The case of the prosecution, in short is that from the possession of this petitioner, altogether 14 grams of smack was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Nothing has been recovered from his possession. He has no concern with the alleged recovery. It has further been submitted that the witnesses of the seizure



list are police personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. It has further been submitted that the alleged recovery of contraband is though more than small quantity but is much less than commercial quantity. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 29.10.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khagaria Rail P.S. Case No. 113 of 2023 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), Khagaria.

(Ashok Kumar Pandey, J)

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