

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29574 of 2026

Arising Out of PS. Case No.-175 Year-2026 Thana- PHULWARISHARIF District- Patna

Ankit Kumar S/O Late Surendra Paswan @ Surendra Prasad R/O Vill.- Korji
Mahamadpur, P.S- Phulwarisharif, Dist - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 28.01.2026 in connection with Phulwarisharif P.S. Case No. 175 of 2026 for the offence punishable under Section 317(5) of the BNS and Section 8(c) and 21(b) of the NDPS Act.

3. The case of the prosecution, in brief, is that on 27.01.2026, the police raided near Korji under Phulwarisharif police station and apprehended the petitioner. Upon search, 47 puriya of smack (heroin like substance) weighing about 11.76 grams and one Oppo mobile phone has been received.

4. Learned counsel for the petitioner submits that as per the allegation as alleged in the FIR that 47 puriya of smack (heroin like substance) weighing about 11.76 grams and one



Oppo mobile phone has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and police after investigation has submitted charge-sheet and petitioner is in custody since 28.01.2026. Learned counsel for the petitioner further submits that the recovered contraband is intermediate quantity so there is no embargo of Section 37 of the NDPS Act to enlarge the petitioner on bail.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of one more case other than the present case but fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, 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 the learned Sessions Judge/Special Judge (NDPS), Patna in connection with Phulwarisharif P.S. Case No. 175 of 2026, subject to 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 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)

Gaurav Sinha/-

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