

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29806 of 2026

Arising Out of PS. Case No.-79 Year-2026 Thana- KHAIRA District- Jamui

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1. Aman Kumar S/o Indradev Sah R/o Village - Dabil, Police Station - Khaira, District - Jamui
 2. Indradev Sah S/o Late Kamal Sah R/o Village - Dabil, Police Station - Khaira, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the State : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard Mr. Pankaj Kumar Sinha, learned counsel for the petitioners and Mr. Md. Mushtaque Alam, learned APP for the State.

2. Petitioners seek bail, who are in custody since 01.03.2026, in connection with Pre-Trial (NDPS) Sl. No. 03 of 2026 arising out of Khaira P.S. Case No. 79 of 2026, F.I.R. dated 01.03.2026 registered for the offences punishable under Sections 8, 20(B), (II)(B) of N.D.P.S. Act.

3. The case relates to recovery of 3 Kgs. 899 grams of *Ganja*.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that altogether 3 Kgs. 899 grams of Ganja was recovered from the different places of the house of the petitioners. He further submits that the recovered contraband is less than the commercial quantity, so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioners on bail. The petitioners are in custody since 01.03.2026.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and the recovered contraband is less than the commercial quantity, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Principal District & Sessions Judge, Jamui in connection with Pre-Trial (NDPS) Sl. No. 03 of 2026 arising out of Khaira P.S. Case No. 79 of 2026, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reasons, their bail bonds shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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