

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32129 of 2026

Arising Out of PS. Case No.-253 Year-2026 Thana- JAHANABAD District- Jehanabad

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Pramod Kumar @ Parmod Kumar @ Lala son of Late Ram Swarath Sharma
Resident of Village- Dhangama P.S.-Jehanabad Dist -Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-06-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State through virtual mode.

2. The petitioner is apprehending his arrest in connection with Jehanabad P.S. Case No. 253 of 2026, registered for the offences punishable under Sections 8(c) and 21(a) of the N.D.P.S. Act.

3. The police on a tip off regarding sale and consumption of smack near the SC/ST hostel, conducted raid and apprehended one '*Anjit Kumar*'. On search, 0.60 gm smack like substance was recovered. The apprehended person disclosed that the petitioner used to sale smack and from where he purchased the same.

4. Learned Advocate for the petitioner submitted that



save and except the disclosure made by the apprehended person, there is no material which suggest complicity of the petitioner in the crime. Neither any incriminating material has been recovered from the conscious and constructive possession of the petitioner nor the petitioner has been found indulge in such activities prior to the institution of this case. It is further contended that though the petitioner is facing one criminal antecedent but the same is of 2021 registered under Sections 341, 323, 421, 504, 506 and 34 of the Indian Penal Code which has also been compromised in the Lok Adalat. It is next contended that be that as it may even the smack like substance, which has been recovered from the possession of co-accused '*Anjit Kumar*' that is a small quantity, as has been duly mentioned under serial no. 56 of the N.D.P.S. Act. However, there is no compliance of Sections 103 and 105 of the BNSS and, as such, the entire prosecution case appears to be doubtful to the extent of recovery. It is lastly contended that the petitioner undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that there is very serious allegation against the petitioner of selling the smack like substance to the persons like co-accused



‘Anjit Kumar’.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the fact that save and except the disclosure made by the co-accused, there is no other cogent material suggesting his complicity in the crime, in question; besides nothing incriminating material has been recovered from the conscious and constructive possession of the petitioner and his undertaking that he will fully co-operate in the proceeding of the Court, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Jehanabad, in connection with Jehanabad P.S. Case No. 253 of 2026 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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