

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36097 of 2026

Arising Out of PS. Case No.-37 Year-2026 Thana- Bypass District- Bhagalpur

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Amit Kumar S/O Ganauri Yadav R/O Village- Sardarpur, P.S-
Madhusudanpur, Distt.- Bhagalpur, At present R/O- Near Mohanpur Road
Bypass Amarapur, P.S- Bypass, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bypass P.S. Case No. 37 of 2026, registered for the offences under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution case, on the basis of secret information, a raid was conducted in the restaurant of the petitioner and recovery of 10.29 grams of brown sugar along with electric weighing scale, mobile phone and knife was made from the search of the said restaurant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been



falsely implicated in this case. There is non-compliance of mandatory provisions of search and seizure as there is complete violation of Section 103 of the BNSS. There is non-compliance of Section 42 and 52 of the NDPS Act. Learned counsel further submits that moreover alleged recovery shown is just above the small quantity but much less than the commercial quantity. The petitioner has antecedent of one case in which he is on bail. The petitioner is in custody since 02.03.2026 and charge sheet has been submitted.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Bhagalpur/concerned court, in connection with Bypass P.S. Case No. 37 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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