

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37397 of 2026

Arising Out of PS. Case No.-65 Year-2026 Thana- KAHALGAON District- Bhagalpur

SUNNY KUMAR @ SANNNI KUMAR Son of Ghanshyam Sah Resident of
village - Ward No. 13, Chaudhary Tola, Kahalgaon, P.S.- Kahalgaon, District -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2026 Heard Mr. Pravin Kumar Sinha, learned counsel for

the petitioner and Mr. Md. Aslam Ansari, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
15.02.2026, in connection with Kahalgaon P.S. Case No. 65 of
2026, F.I.R. dated 14.02.2026 registered for the offences
punishable under Sections 8(c), 21(b) of N.D.P.S. Act.

3. The case relates to recovery of 9.30 grams of
Brown Sugar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that there is non compliance of mandatory



provisions of N.D.P.S. Act and it also appears from the F.I.R. as well as seizure list that altogether 9.30 grams of Brown Sugar was recovered. From possession of the petitioner 5.20 grams of Brown Sugar and from possession of co-accused person, namely, Golu Kumar @ Saurav Kumar 4.10 grams of Brown Sugar was recovered. Learned counsel for the petitioner further submits that the recovered contraband is little more than the small quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2026.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that there is non compliance of mandatory provision of the N.D.P.S. Act and the recovered contraband is little more than the small quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-I, Bhagalpur in connection with Kahalgaon P.S. Case No. 65 of 2026, subject to the following conditions :-

(1) 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner has concealed her 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.

(3) 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 her 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)

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