

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39341 of 2026

Arising Out of PS. Case No.-414 Year-2026 Thana- PHULWARISHARIF District- Patna

Prince Kumar @ Himanshu Kumar Son of Shashikant Kumar Resident of
Village- Near Thakurbari, Ranipur, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr. Avinash Kumar Singh, learned counsel
for the petitioner and Mr. Nawal Kishore Prasad, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.03.2026 in Phulwarisharif P.S. Case No. 414 of 2026, F.I.R.
dated 08.03.2026 for the offences punishable under Sections 8
(c), 21(b) of the Narcotic Drugs & Psychotropic Substance Act,
1985.

3. Recovery is of 7.67 grams of Smack.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. It appears from the FIR that
altogether 14 plastic packets of Smack which weighed 7.67
grams were recovered from the place of occurrence. He further



submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet. The petitioner is in custody since 09.03.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Session Judge/Special Judge (NDPS), Patna in connection with Phulwarisharif P.S. Case No. 414 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)

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