

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40106 of 2026

Arising Out of PS. Case No.-492 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

Amresh Kumar S/o Pappu Bhagat Resident of Village- Naya Tola, Bajitpur,
Mirzapur, P.S.- Lakho, District- Begusarai Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Deepak Kumar, learned counsel for the

petitioner and Mr. Uma Shankar Prasad Singh, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.11.2025 in connection with NDPS Case No. 87 of 2025
arising out of Begusarai Town P.S. Case No. 492 of 2025, F.I.R.
dated 22.11.2025 for the offences punishable under Sections 8
and 20(b)(ii)B of the N.D.P.S. Act.

3. Recovery is of 18 kg of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. that 18 kg Ganja has been recovered from the
possession of the petitioner and other accused persons where 6
kg of Ganja has been recovered from the possession of the



petitioner. 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 against the petitioner. For the same set of allegation, co-accused, namely, Sonam Kumari has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.05.2026 passed in Cr. Misc. No. 24225 of 2026. The petitioner is in custody since 23.11.2025.

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

6. Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity, petitioner has clean antecedent and similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Court, 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 District & Additional Sessions Judge-1-cum-Special Judge NDPS Act & P.O. of



Children Court, Begusarai in connection with NDPS Case No. 87 of 2025 arising out of Begusarai Town P.S. Case No. 492 of 2025, 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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