

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45737 of 2026

Arising Out of PS. Case No.-101 Year-2026 Thana- SABAUR District- Bhagalpur

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Aman Kumar Sharma Son of Arbind Kumar Sharma @ Aravind Sharma
Resident of Village- Fatehpur, P.S.- Industrial Area, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 104 of 2026 arising out of Sabour PS Case No. 101 of
2026 instituted for the offences under Sections 8(c) & 21(a)(b)
of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Prosecution allegation, in short, is that there is
recovery of 4 gram brown sugar from the possession of the
petitioner and on the disclosure made by petitioner, 12 gram
brown sugar was recovered from co-accused, namely, Manu
Singh.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the small quantity. Reliance in this regard is placed upon the decision of this Court reported in **2025 (3) PLJR 481 (Raju Kumar vs. State of Bihar)**, wherein it has been held that an offence under Section 21(a) of the NDPS Act involving a small quantity is bailable, and the accused is entitled to bail as a matter of right upon furnishing the requisite bail bonds. The petitioner is in custody since 28.03.2026 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below small quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with NDPS Case No.
104 of 2026 arising out of Sabour PS Case No. 101 of 2026.

Raj Kishore/-

(Rudra Prakash Mishra, J)

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