IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48972 of 2026

CNR No. BRHC010683352026

Arising Out of PS. Case No.-104 Year-2026 Thana- Babarganj District- Bhagalpur

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Akash Kumar Son of Bijay Kumar Modi @ Vijay Modi Resident of Mohalla-Mirjanhat, Raghunath Mishra Lane, Kutubganj, P.S.- Babarganj, District-Bhagalpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ankit Raj, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

6 05-11-2026 Heard the learned counsel for the petitioner and learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Babarganj P.S. Case No. 104 of 2026 registered for the offences punishable under Sections 8(C), 21(C) and 22 of the NDPS Act.

3. As per the FIR, the police apprehended one person and on search total 106.80 grams of brown sugar was recovered.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no such recovery as alleged has taken place. It has been submitted that the recovery has been made from the sofa kept in the house

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of the petitioner and therefore, it cannot be said that it was recovered from his conscious possession. It has also been pointed out that the quantity which has been recovered falls under the category of intermediate quantity and therefore, the rigors of Section 37 of NDPS Act is not attracted. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 20.05.2026.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submission, facts and circumstances of the case, 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 court below where the case is pending/successor court in connection with Babarganj P.S. Case No. 104 of 2026, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms

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of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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