

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49014 of 2026

Arising Out of PS. Case No.-91 Year-2026 Thana- GANGABRIDGE District- Vaishali

Lakki Kumar Son of Late Ramesh Ray, Resident of Village -Malipur, PS-
Hajipur Town, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Manish Chandra Gandhi, Advocate
For the State	:	Mr. (Dr.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 91 of 2026 dated 05.04.2026, registered for the offences punishable under Sections 8(c), 21(b) and 29 of the NDPS Act.

3. As per the prosecution case, on a tip-off, this petitioner was apprehended and from his possession, 102 small *dibiyas* containing smack like substance were recovered. On weighing these *dibiyas* along with the contraband, total weight came to be 49 grams.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Nothing has been recovered from person or possession of the petitioner. The mandatory



provision of search and seizure has not been followed and there is non-compliance of Section 50 of the NDPS Act. Though it is stated that one Block Panchayat Raj Officer was in the team as Gazetted Officer, but seizure list does not contain his signature. Learned counsel further submits that though recovery is stated to be of 49 grams, but it also includes the weight of the boxes (*dibiya*) in which the smack like substance was kept. If the actual weight of the substance was made, it would be much less than 49 grams. No material has come on record to show that the representative sample was sent for chemical examination. Learned counsel further submits that seized smack like substance is much less than commercial quantity. Learned counsel next submits that petitioner is having clean antecedent. Learned counsel lastly submits that petitioner is in custody since 06.04.2026.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of recovered contraband which is less than commercial quantity and further considering petitioner's clean antecedent and his period of custody, the petitioner, above-named, is



directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions-cum-Special Judge NDPS Act, Vaishali at Hajipur / concerned Court, in connection with **Ganga Bridge P.S. Case No. 91 of 2026**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.*
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.*
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.*

(Arun Kumar Jha, J)

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