

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63115 of 2025

Arising Out of PS. Case No.-68 Year-2024 Thana- BALUA BAZAR District- Supaul

Somu Kumar S/O Shambhu Prasad Resident of Birpur, Ward No.10, P.S.-
Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyoti Singh, Adv.

Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 06-02-2026

Heard the parties.

2. The petitioner seeks bail in connection with Balua Bazar P.S. Case No. 68 of 2024 registered for the offence under Sections 8A(c), 21(c) and 29 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 29.11.2024.

4. The prosecution case is to the effect that the police personnel while checking the vehicles intercepted one Swift Dezire Car which started to flee, however, car lost control and met with an accident and fell into a canal. The police apprehended two injured persons who were found inside the vehicle who disclosed their names as Sajid Anwar and one Somu Kumar. After following the procedure, the car was searched and four packets of brown sugar were recovered from beneath the seat of the car and when the same was weighed it



was found to be 419.8 Grams.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely been implicated in this case. It is further submitted by learned counsel for the petitioner that no incriminating article was recovered from the conscious physical possession of the petitioner and admittedly the recovery was made from beneath the seat of the car. It is also submitted by learned counsel that from perusal of the FIR it is evident that packets which were recovered were dipped into water, hence, the weight as stated in the FIR would vary and, thus, it could not be said with certainty that the seized brown sugar was above the commercial quantity and hence the rigors of Section 37 of NDPS shall not be attracted. It is submitted that charge-sheet was submitted incomplete. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Divyas Bardewa Vs. Narcotics Control Board*** reported in ***2023 SCC OnLine SC 742***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

6. Learned APP while opposing the prayer of bail submitted that 419.8 Grams of brown sugar was recovered from beneath the seat of the car in which the petitioner was riding and the seized quantity is of commercial quantity.

7. In view of aforesaid factual submission and by taking note of fact as the recovery was not made from conscious physical possession of this petitioner , coupled with the fact that charge-sheet submitted incomplete without any FSL report, accordingly petitioner above named, is directed to be released on bail in connection with Balua Bazar P.S. Case No. 68 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS, Supaul /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

