IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67596 of 2026

CNR No. BRHC010912062026

Arising Out of PS. Case No.-340 Year-2026 Thana- KADAMKUAN District- Patna

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Anish Kumar @ Anshu Son of Anil kumar singh @Anil Kumar Resident of Mohalla - Govind Mitra Road, Beni Madhav Lane, P.S. - Pirbahore, District - Patna.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr.Sarvan Kumar, Advocate
For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 04-11-2026 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Kadamkuan P.S. Case No. 340 of 2026 registered for the offences under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 04.05.2026.

4. As per FIR, petitioner alleged to have in possession of 51.23 grams of contraband i.e. Heroine alongwith other co-accused persons.

5. It is submitted by learned counsel appearing on

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behalf of the petitioner that the alleged contraband i.e. Heroine was recovered from the tool box of the motorcycle, which belongs to uncle of one of the co-accused namely, Aditya Gupta @ Aman Gupta.

6. It is submitted that nothing surfaced during investigation which may suggest that the petitioner was aware about the said hidden contraband i.e. Heroine in the tool box of the motorcycle as to attract his culpable mental state within the meaning of Section 35 of the N.D.P.S. Act.

7. It is pointed out that even otherwise the recovered quantity is less than commercial quantity for the contraband Heroine, therefore, the rigors of section 37 of the N.D.P.S. Act not appears applicable in the present case. It is also pointed out that the mandatory provisions regarding sampling, search and seizure (‘sss’) not appears to be followed in the present case making the entire implication doubtful.

8. Explaining criminal antecedent of the petitioner, it is submitted that petitioner found involved in five more criminal cases, but all are of different in nature, wherein in

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all five cases petitioner is on bail.

9. While concluding argument, it is submitted that investigation of this case has already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

10. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, could not disputed the fact that recovery was of intermediate quantity.

11. In view of aforesaid factual submission and by taking note of the fact as the recovered quantity of contraband i.e. Heroine is intermediate quantity, coupled with the fact that investigation of this case has already completed, wherein petitioner remains in custody since 04.05.2026, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (N.D.P.S.) No. IInd, Patna/concerned court, in connection with Kadamkuan P.S. Case No. 340 of 2026, subject to the condition as laid down under Section 437(3)

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Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

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