

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70727 of 2025

Arising Out of PS. Case No.-440 Year-2025 Thana- BEUR District- Patna

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1. Sudhir Kumar S/O Late Devendra Ray R/O Kila Ghat, P.S.- Chowk, District- Patna
 2. Karan Kumar @ Karn Kumar S/O Omprakash Sao R/O Damriya Siri Ghat, P.S.- Malsalami, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 21-01-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in Beur P.S. Case No. 440 of 2025 dated 16-08-2025 registered under Sections 8(C), 21(B) and 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation is of recovery of 46 grams of smack-like substance from the pocket of petitioner No. 1, namely Sudhir Kumar whereas, one mobile phone is alleged to have been recovered from the possession of petitioner No. 2, namely Karan Kumar @ Karn Kumar.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioners. Referring to the seizure list, which forms part of the FIR (Annexure-1), it is submitted that the seized articles marked as P1 wherein, the signatures of the petitioners were not taken which is contrary to the provisions of the N.D.P.S. Act. It is further submitted that the seized smack like substance is more than the small quantity, but less than the commercial quantity under the N.D.P.S. Act. Lastly, it is submitted that petitioner No. 1 has no criminal antecedents, whereas petitioner No. 2 has one criminal case pending against him. The petitioners have been in custody since 17-08-2025.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge NDPS Patna, in connection with Beur P.S. Case No. 440 of 2025, subject to the following conditions:-



(i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioners will appear before the SHO of concerned PS in the first week of each month till framing of charge in the case.

7. The application stands allowed.

(Khatim Reza, J)

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