IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81080 of 2026

CNR No. BRHC011118362026

Arising Out of PS. Case No.-37 Year-2023 Thana- NAUBATPUR District- Patna

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BHARAT KUMAR @ BHARAT SINGH @ CHANDRA SHEKHAR @ BHARAT Son of Amrendra Singh @ Amrendra Sharma @ Rangdar Singh Resident of Village - Shekhpura, P.S.- Naubatpur, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rahul Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. This is an application for regular bail to the petitioner who has been made accused in connection with /Naubatpur P.S. Case No. 37 of 2023 registered for the offences punishable under Sections 8(c), 21(b)(c) of NDPS Act & under Section 414 of IPC.

3. As per the prosecution case, there is a recovery of altogether 07 gms of *Smack*.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case due to grudge and animosity. There is a complete denial of of the petitioner in the involvement of this case as there is no recovery from personal possession of the petitioner. The alleged recovery is from joint house of the

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petitioner. It is submitted that there is non-compliance of Section 50 of the NDPS Act and the search was not conducted in presence of any Magistrate. Also, there is no any independent seizure witnesses.

5. It is submitted that the quantity recovered is much less than the commercial quantity and just above the small quantity which comes under intermediate quantity. Charge-sheet has been filed and charges have also been framed but no witnesses has been examined. Petitioner is having nine criminal antecedents and is languishing in judicial custody since 24.06.2025. A Co-ordinate Bench of this Hon'ble Court has granted bail to the co-accused, namely, Mritunjay Singh vide order dated 26.09.2023 passed in Cr. Misc. No. 59253 of 2023.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner stating that the petitioner is having nine criminal antecedent.

7. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (NDPS Act) No.-II, Patna/concerned court in connection with Naubatpur P.S. Case No.

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37 of 2023, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) the trial court shall verify the criminal antecedent of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of his bail bonds of the petitioner. However, the acceptance of bail-bond shall not be delayed for the purpose of in name of verification.

(Kumar Manish, J)

Abhishek/-

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