IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78864 of 2026

CNR No. BRHC011119112026

Arising Out of PS. Case No.-143 Year-2026 Thana- BHAGWAN BAZAR District- Saran

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Santu Kumar @ Santu Prasad @ Vijay Prasad S/O Sunil Prasad R/O Village-Ratanpura, P.S. Bhagwan Bazar, Dist. Saran.

... ... Petitioner/s

Versus

The State of Bihar patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjeet Kumar Singh, Adv.
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Section 21(b) of the N.D.P.S. Act.

3. As per the allegations made in the F.I.R., 6.70 grams of smack was recovered from the pocket of the petitioner.

4. Learned counsel for the petitioner submits that the recovery which have been made of a contraband falls within the ambit of an intermediate quantity. Learned counsel further submits that the provisions of Sections 103 and 105 of the B.N.S.S. and Section 52 of the N.D.P.S. have not been complied with. Learned counsel further submits that the petitioner

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undertakes to cooperate in the trial and not to repeat such an offence.

5. The petitioner has been in judicial custody since 17.02.2026.

6. Learned A.P.P. on behalf of the State has opposed the application.

7. Taking into consideration the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sessions-cum-Special Judge, Saran at Chapra or concerned Court, in connection with Bhagwan Bazar P.S. Case No. 143 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

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(iv) If the petitioner repeats an offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the one case, as mentioned in paragraph-3, of the main bail petition he shall not be released.

The case mentioned in paragraph-3 is as follows :-

(1) Mufassil P.S. Case No. 170 of 2024.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

(Raj Kumar, J)

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