

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78905 of 2025

Arising Out of PS. Case No.-1520 Year-2025 Thana- PHULWARISHARIF District- Patna

Amit Kumar S/o Munna Paswan R/o- Kumharar Toli, P.S.- Phulwari Sharif,
District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-01-2026 Heard Mr. Saket Anand, learned counsel for the

petitioner and Mr. Zainul Abedin, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.09.2025 in connection with Phulwari Sharif P.S. Case No.
1520 of 2025, F.I.R. dated 14.09.2025 for the offences
punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. Recovery is of 46 packets of smack weighted to be
15.50 grams and Rs. 800/-.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. that altogether 46 packets of smack weighted to
be 15.50 grams and Rs. 800/- has been recovered from the



possession of the petitioner. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.09.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal District & Sessions Judge-cum-Special Judge, NDPS Act, Patna Sadar in connection with Phulwari Sharif P.S. Case No. 1520 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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