

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80895 of 2025

Arising Out of PS. Case No.-673 Year-2025 Thana- AGAMKUAN District- Patna

Gautam Kumar Son of Kamlesh Choudhary Resident of Bachha Jail, Police
Station - Alamganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Agamkuan PS Case No. 673 of 2025 instituted for the offences
under Sections 8(c) & 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that 143.260
grams of brown sugar was recovered from the shop of the
mother of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 10.09.2025 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 29.01.2026, passed in Cr. Misc. No. 79426 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Agamkuan PS Case No. 673 of 2025.

Raj Kishore/-

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(Rudra Prakash Mishra, J)

