

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85635 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- Babarganj District- Bhagalpur

Chandan Kumar @ Chandan Poddar, Son of Dilip Poddar, Resident of
Village- Sakrullachak, Ps- Barbarganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 08-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with Babarganj P.S. Case No.142 of 2025 registered for the offences punishable under Sections 25(1-b)A, 26 of the Arms Act, 1959 and Section 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case, the informant received secret information that the petitioner Chandan Kumar @ Chandan Poddar was engaged in the business of brown sugar. A raid was conducted and the petitioner was apprehended along with 7.58 gm of brown sugar, one desi katta, two knives and a panja.

4. The learned counsel for the petitioner submits that



the petitioner has falsely been implicated in this case merely because he carries five criminal antecedents against his name. It has further been submitted that the recovered brown sugar falls within the intermediate category and hence the rigours of Section 37 of the NDPS Act does not apply in the present case. It has next been submitted that there has been noncompliance of Section 50 of the NDPS Act and no incriminating article as stated in the FIR has been recovered from the conscious possession. It has lastly been submitted that the petitioner is in custody since 06.08.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties, 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 court below where the case is pending/successor court in connection with Babarganj P.S. Case No.142 of 2025, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive



dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Bhagalpur within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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