

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85856 of 2025

Arising Out of PS. Case No.-353 Year-2025 Thana- PARSABAZAR District- Patna

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Dharmendra Kumar, S/O Late Kapil Deo Singh, Resident of Village- Udaini
PS- Gopalpur, Dist.- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Union of India, Narcotics Control Bureau, Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 09-01-2026 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 Parsa Bazar P.S. Case No. 353 of 2025, registered for the offences punishable under Sections 8(c)/21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and section 111(2)b of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant has alleged that he had received some secret information that some persons were engaged in selling brown sugar, a raid was conducted and seven persons were apprehended along with the petitioner and on search total 7.09 gm of heroin was recovered from the apprehended persons. As far as the petitioner is



concerned, one Scooty, one mobile phone and Rs. 200/- was recovered from his possession.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no such recovery as stated in the FIR has been made. It has next been submitted that admittedly no recovery of narcotic substance was made from the conscious possession of the petitioner. It has also been submitted that the procedures to be followed under NDPS Act were not followed and the petitioner has only one criminal antecedent that too under the Excise Act. It has lastly been submitted that the petitioner is in custody since 23.08.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail and has stated that the petitioner and others were involved in the selling of brown sugar.

6. Considering the aforesaid submissions made by the parties and fact that similarly situated co-accused, namely, Ravi Raj @ Dharmendra and Lalendra Kumar, are enlarged on bail by this Court, 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 Parsa Bazar P.S. Case No. 353 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, Patna 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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