

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84749 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- Baijnathpur District- Saharsa

Rahul Kumar Son of Pradeep Yadav Resident of Village- Gamhariya, Ward
No. 11, P.S.- Baijnathpur, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
		Mr. Binod Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 05-01-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Baijnathpur P.S. Case No. 96 of 2025 dated 06.08.2025 registered for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, the informant has alleged that he received secret information that Rahul Kumar (petitioner) was carrying smack. It is further alleged that the petitioner was apprehended and on search, total 11 gm. of smack was recovered from his conscious possession.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and no



such recovery has been made from his conscious possession. It has further been submitted that the petitioner is a student and has falsely been implicated by the police. It has next been submitted that the recovered narcotic substance is below the commercial quantity and hence, rigors of section 37 of the N.D.P.S. Act is not attracted against the petitioner. It is lastly submitted that the petitioner has clean antecedent and he is in custody since 07.08.2025.

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

6. Considering the facts and circumstances of the case, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge-cum-Special Judge, Saharsa in connection with Baijnathpur P.S. Case No. 96 of 2025 subject to the following terms and conditions :-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.



(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 liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

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

8. The application stands allowed.

(Sourendra Pandey, J)

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