

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87410 of 2025

Arising Out of PS. Case No.-369 Year-2025 Thana- SURSAND District- Sitamarhi

Vikash Kumar @ Vikas Kumar S/o- Jaikishore Paswan Resident of Village-
Sursand ward No 1 PS- Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Home, Narcotic Drugs Control Bureau, New Delhi New Delhi
2. The State of Bihar, through the Department of Narcotic Drugs Control Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. K.N.Singh(A.S.G.)

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

2. The petitioner seeks regular bail in Sursand P.S.
Case No. 369 of 2025 dated 10-10-2025, registered under
Sections 8(C), 20(B)(ii)(C) and 27 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

3. The allegation is of recovery of 105.47 grams of
charas like substance from the left pocket of the petitioner kept
inside a black polythene bag.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no contraband has been



recovered from the conscious possession of the petitioner. It is also contended that the alleged recovery of *charas*-like substance is more than the small quantity but less than the commercial quantity. Further submission is that the mandatory provisions of Section 50 of the N.D.P.S. Act have not been complied with. It is pointed out that the petitioner has been in custody since 10.10.2025 and two other criminal cases are pending against him, in which he is already on bail. It is lastly submitted that the charge-sheet has already been submitted in the present case.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi in connection with Sursand P.S. Case No. 369 of 2025, subject to the following conditions: (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that 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 and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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