

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87588 of 2025

Arising Out of PS. Case No.-391 Year-2025 Thana- MAHNAR District- Vaishali

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Saurabh Kumar @ Saurabh Kumar Jha S/o Shri Chandeshwar Jha Resident of
village- Tara Chouri, Ward No 14, P.S.- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mahnar P.S. Case No. 391 of 2025 registered for the offences
punishable under Sections 8(c) and 20(b)(ii) of NDPS Act.

3. As per prosecution case, total 10 gram Smack
(Heroin) like substance including plastic box, one mobile phone
and Rs. 6300/- (in cash) were recovered from the possession of
the petitioner and two persons succeeded in fleeing away from
the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged in the FIR and he has falsely been implicated in the
present case. He further submits that search and seizure was not



conducted according to relevant provisions i.e. Sections 50, 51 and 52 of the NDPS Act. He further submits that 10 grams of Heroin in a plastic box has been alleged to have been recovered which is at best of 5 gram and come in the ambit of much below than commercial quantity as the 250 gram Smack comes under the purview of the commercial quantity, as per NDPS notification. He further submits that seizure list was prepared on 08.10.2025 at 22:15 PM and FIR was lodged on 09.10.2025 by the police which appears entire prosecution case is cloudy. Petitioner is in custody since 09.10.2025 and he bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that there is alleged recovery of 10 gram Smack like substance from the possession of the petitioner. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal District and Sessions Judge, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 391 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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