

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.88003 of 2025**

Arising Out of PS. Case No.-766 Year-2025 Thana- GOPALGANJ TOWN District-  
Gopalganj

Vikash Kumar Sharma Son of Naresh Sharma Resident of Village- Yadopur  
Road Shiv Mandir Ward No. 5, P.S.- Town Thana, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      22-01-2026                      Heard Mr. Umesh Kumar Singh, learned counsel for  
the petitioner and Mr. Amitesh Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since  
13.10.2025, in connection with Gopalganj Town P.S. Case No. 766  
of 2025, T.R. No. 48 of 2025 F.I.R. dated 12.10.2025 registered  
for the offences punishable under Sections 8/ 21(b) of the N.D.P.S.  
Act.

3. The case relates to recovery of 16.98 grams of *Smack*.

4. Learned counsel for the petitioner submits that  
although the recovery has been made from the possession of the  
petitioner but there is non-compliance of mandatory provision of  
N.D.P.S. Act and it appears from the F.I.R. as well as seizure list  
that altogether 16.98 grams of *Smack* like substance was  
recovered from the possession of the petitioner and the recovery is



less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.10.2025.

5. Learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the possession of the petitioner and apart from the aforesaid the petitioner carries three more cases other than the present one.

6. Considering the aforesaid facts and circumstances of the case and the fact that the recovered contraband is less than the commercial quantity and there is non compliance of mandatory provision of N.D.P.S. Act, 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 Princiapl Sessions Judge, Gopalganj in connection with Gopalganj Town P.S. Case No. 766 of 2025, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his



bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the 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 antecedents, 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.

**(Rajesh Kumar Verma, J)**

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