

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91146 of 2025

Arising Out of PS. Case No.-209 Year-2025 Thana- SONBERSHA RAJ District- Saharsa

Mithlesh Kumar @ Mithilesh Kumar S/o Bind Kumar @ Bind Kumar Yadav
Resident of Village- Navtoliya, ward no. 1, P.S- Sonbarsa Raj, District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8(c)/21(b) and 22(b) of the NDPS Act.

3. The case of the prosecution is that on the disclosure of this petitioner, altogether 35.04 grams of smack like intoxicating substance was recovered from bamboo clamp.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of this petitioner. The witness of the seizure is police personnel. Police has not followed Section 105 of B.N.S.S. while preparing seizure. The alleged recovery, if any, has



been made from bamboo clamp which is an open place. It has further been submitted by learned counsel for the petitioner that the recovery as alleged is though more than small quantity but is much less than commercial quantity as per NDPS Act. Moreover, the petitioner is languishing in judicial custody since 24.10.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that petitioner is having criminal antecedent of two cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sonbarsa Raj P.S. Case No. 209 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Saharsa **with the condition that the petitioner shall cooperate in trial and shall be present physically in trial court whenever required.**

(Ashok Kumar Pandey, J)

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