

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2972 of 2026

Arising Out of PS. Case No.-573 Year-2025 Thana- BIHAR District- Nalanda

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Santosh Kumar, aged about 25 years, Male, Son of Late Chhote Ram @ Chhote Prasad, Resident of Mohalla - Naisarai Narsaliganj, P.S. - Biharsharif, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Biharsharif P.S. Case No. 573 of 2025 instituted for the offences punishable under Sections 8 (c) and 21(b) of the NDPS Act.

3. The allegation against the petitioner is that 15 small packets folded in white paper and wrapped in black plastic were recovered from the petitioner's pocket, which contains *Brown Sugar (heroin)*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that no such occurrence took place as alleged rather this case has been



lodged against the petitioner by the informant to harass him. He next submits that the recovery of *Brown Sugar (heroin)* is 15 purhiya weighing 7550 mg i.e., 7.55 gm which is less than commercial quantity. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 13.10.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR and impugned order of the learned Sessions Judge-cum-Special Judge, Nalanda, Bihar Sharif dated 09.12.2025, it appears that petitioner is named in the FIR. From perusal of the records, it also appears that on the basis of written report of the informant, FIR has been registered under Sections 8 (c) and 21(b) of the NDPS Act against the present petitioner and the allegation against the petitioner is that there is recovery of *Brown Sugar (heroin)* is 15 purhiya weighing 7550 mg i.e., 7.55 gm which is less than commercial quantity.

7. Considering the aforesaid facts and circumstances of the case and submission of learned counsel for the petitioner that recovery of *Brown Sugar (heroin)* is 15 purhiya weighing 7550 mg i.e., 7.55 gm which is less than commercial quantity, I am inclined to grant bail to the petitioner.



8. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Sessions Judge-cum-Special Judge, Nalanda Bihar Sharif in connection with Bihar Sharif P.S. Case No. 573 of 2025.

(Ramesh Chand Malviya, J)

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