

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3570 of 2026

Arising Out of PS. Case No.-202 Year-2025 Thana- Kharagpur District- Munger

Abhishek Kumar Son of Manoj Mandal R/o Vill.- Mahadeopur, P.S.
-Kharagpur, Distt. -Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-01-2026 Heard Mr.Manoj Kumar Pandey, learned counsel for
the petitioner and Mr.Rana Randhir Singh, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
08.09.2025, in connection with N.D.P.S. Case No. 09 of 2025
arising out of Kharagpur P.S. Case No. 202 of 2025, F.I.R. dated
08.09.2025 registered for the offences punishable under
Sections 8(C), 21(b), of the N.D.P.S. and Section 7 of the
Lottery Act.

3. Recovery is of 28 Gms. of Smack.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that altogether 101



Puria of Smack (28 grams) was recovered from the possession of the petitioner and other co-accused person and the recovered contraband is 28 Gms. of Smack 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 co-accused person, namely, Anand Saw has been granted bail by this Court vide order dated 20.01.2026 passed in Cr. Misc. No.3226 of 2026, police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.09.2025.

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 other co-accused person.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent, recovered contraband is less than the commercial quantity and co-accused person, namely, Anand Saw has been granted bail by this Court, 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 Sessions Judge, Munger in connection with N.D.P.S. Case No. 09 of 2025 arising out of Kharagpur P.S. Case No. 202



of 2025, subject to the following conditions :-

(I) 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.

(II) 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.

(III) 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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