

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4353 of 2026

Arising Out of PS. Case No.-1687 Year-2025 Thana- PHULWARISHARIF District- Patna

Omji Kumar Pathak @ Omji Kumar S/O Kishore Pathak R/O Vill.- Mahishi,
P.S- Mahishi, District- Saharsa at present R/O Vill.- Dhalu Chak, P.S-
Khagaul, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1687 of 2025 instituted for the
offences under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 6.47 grams of
heroine like substance has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 15.10.2025 and has no criminal antecedent. There
is no allegation of tampering of witnesses alleged against the
petitioner. No incriminating material has been recovered from



the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than the commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwarisharif P.S. Case No. 1687 of 2025.

(Rudra Prakash Mishra, J)

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