

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30937 of 2025**

Arising Out of PS. Case No.-6 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)  
District- Muzaffarpur

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Amitesh Kumar S/o Jai Prakash Ray R/o Village- Pacharwa, P.S.- Majorganj,  
District- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The Union of India through Narcotics Control Bureau, Deptt. of Internal  
Security, Ministry of Home Affairs, Govt. of India

... .. Opposite Party/s

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**Appearance :**

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

For the UOI (NCB) : Mr. Ram Anurag Singh, CGC

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

- 4      27-06-2025                      1. Heard learned counsel for the petitioner and  
  
learned counsel for the Narcotics Control Bureau.
2. The petitioner has renewed his prayer for grant of  
  
regular bail in connection with NCB Patna Zonal Unit Crime  
  
no.6 of 2023 (N.D.P.S. Case no.151 of 2023) registered under  
  
section 8(c) read with sections 18, 27A, 29 and 62 of the NDPS  
  
Act.
3. As per the prosecution case, 5.9 kgs. of opium  
  
besides other articles was recovered from the accused persons  
  
which included the petitioner herein. They were taken into  
  
custody.
4. Learned counsel for the petitioner submits that the  
  
earlier prayer for bail of the petitioner was rejected vide



different orders, the last being vide order dated 26.10.2024 passed in Cr. Misc. no.55980 of 2024. It is submitted that though the application for bail of the petitioner has been rejected earlier on merits, however, from reading of the FIR together with the seizure list, it would transpire that none of the incriminating articles were recovered from the possession of this petitioner. So far as the alleged narcotic drug is concerned, the same was recovered exclusively from the possession of the co-accused Rahul Ranjan Kumar. Learned counsel further submits that by order dated 19.3.2025 passed in Cr. Misc. no.87326 of 2024, this Court taking into consideration no recovery of drug from possession of the co-accused granted bail to co-accused Govind Kumar Mandal. The case of this petitioner stands on even better footing. He undertakes to cooperate in the trial and abide by any conditions which may be laid for his release on bail.

5. The application for bail is opposed by learned counsel appearing for the Narcotics Control Bureau. Referring to the counter affidavit filed on behalf of the Narcotics Control Bureau, it is submitted that there is recovery of huge quantity of opium to the tune of 5.9 kgs. from a bag which was being carried by a co-accused, however, all the accused including the



petitioner herein being together, the petitioner would also be responsible for the same. It is further submitted that in the chemical analysis as per the FSL report, the seized substance have been as tested positive for opium. Learned counsel submits that once the petitioner is enlarged on bail he may not permit the trial to proceed.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the recovery of the drug as per the seizure list enclosed with the FIR having been shown to be made from a bag from the possession of co-accused Rahul Ranjan Kumar and not the petitioner herein together with the petitioner having remained in custody for more than 2 years since 23.3.2023 and specially grant of bail to co-accused Govind Kumar Mandal vide aforesaid order dated 19.3.2025, the Court directs the petitioner to be enlarged on bail in connection with NCB Patna Zonal Unit Crime no.6 of 2023 (N.D.P.S. Case no.151 of 2023) on furnishing bail bond of Rs.20,000/ (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Court no.II (N.D.P.S.), Muzaffarpur, District Muzaffarpur on the following conditions:

(i) One of the bailors of the petitioner shall be the



father/mother of the petitioner.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of the petitioner’s absence on any single date for reasons not to the satisfaction of the learned trial Court or in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

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