

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33716 of 2025**

Arising Out of PS. Case No.-45 Year-2025 Thana- JANKINAGAR District- Purnia

Dilkhush Kumar S/o Mithilesh Kumar @ Mithilesh Kumar Rai R/o Village-
Ladugarh, P.S.- Jankinagar, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34836 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- JANKINAGAR District- Purnia

RAHUL KUMAR Son of Subhash Yadav @ Subhash Kumar Ray Resident of
Village - Ladugarh, Ward No.- 12, P.S.- Janki Nagar, District - Purnea

.. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 33716 of 2025)
For the Petitioner/s : Mr.Alok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP
(In CRIMINAL MISCELLANEOUS No. 34836 of 2025)
For the Petitioner/s : Mr.Alok Kumar Singh, APP
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 Both the cases are arising out of same P.S. being

Special (NDPS) Case No. 123 of 20225 arising out of

Jankinagar P.S. Case No. 45 of 2025 registered under Sections

8(c) and 21(b) of the NDPS Act and hence, are being taken up

together.



2. Heard learned counsel for the petitioners and learned APP for the State.

3. A prayer for bail has been made on behalf of the petitioners in connection with Special (NDPS) Case No. 123 of 2025 arising out of Jankinagar P.S. Case No. 45 of 2025 registered under Sections 8(c) and 21(b) of the NDPS Act.

4. As per prosecution case, a raid was conducted at the orchard of Bhagwat Yadav and 10.55 grams of smack/brown sugar along with other incriminating articles were recovered from the said orchard. One person managed to flee away while one was apprehended on the spot disclosing his name as Dilkhush Kumar.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case and as a matter of fact the informant who is the S.H.O of Jankinagar Police Station had demanded Rs. 2 lakhs from the accused in the name of Superintendent of Police, Purnea and on non-fulfillment of such demand the petitioners have been arrested in the present case. Learned counsel for the petitioners further submits that the said S.H.O after inquiry was suspended. No incriminating article has been recovered from their possession and there is no independent witness to the seizure list and hence,



it violates the mandatory provisions of B.N.S.S and NDPS Act. With regard to petitioner Rahul Kumar, it has been submitted that his name has allegedly been taken by the apprehended accused petitioner Dilkush Kumar. Except his confessional statement, there is no other material to connect petitioner Rahul Kumar in the said case. The petitioner Dilkush Kumar in Cr. Misc. No. 33716 of 2025 is in custody since 14.02.2025 and petitioner Rahul Kumar in Cr. Misc. No. 34836 of 2025 was remanded in the present case on 07.04.2025 and since then he is in custody. They undertake to cooperate in the case/trial.

6. The application for bail is opposed by learned A.P.P. for the State on the ground that petitioner Rahul Kumar has three criminal antecedents. In response, learned counsel for the petitioners submits that he is on bail in two cases while one case is pending for consideration. So far petitioner Dilkush Kumar is concerned, he has no criminal antecedent.

7. Taking into consideration the above mentioned facts of the case and also considering the fact that the recovery is of intermediate quantity which is more than small quantity however, much less than commercial quantity, let the petitioners above named be enlarged on bail in connection with Special (NDPS) Case No. 123 of 20225 arising out of Jankinagar P.S.



Case No. 45 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS Act, Purnea on the following conditions:

(I) One of the bailors of the petitioners shall be the family member/close relative of the petitioners.

(II) The petitioner Rahul Kumar is directed to appear before the Investigating Officer of the present case at an interval of every 15 days till charge-sheet is submitted against him.

(III) The petitioners shall remain physically present in the learned trial Court on each date and shall cooperate in the trial till framing of charge. In case the petitioners are absent on the two consecutive dates without sufficient reasons, the learned trial Court would be at liberty to cancel the bail bonds of the petitioners.

(Soni Shrivastava, J)

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