

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82278 of 2025

Arising Out of PS. Case No.-616 Year-2025 Thana- BIKRAMGANJ District- Rohtas

1. Bittu Kumar Son of Parasnath Singh Resident of Dilbara Mohalla, Ward No. 4, P.S.- Bikramganj, District- Rohas
2. Chandan Kumar Son of Parasnath Singh Resident of Dilbara Mohalla, Ward No. 4, P.S.- Bikramganj, District- Rohas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners seek bail in connection with
Bikramganj P.S. Case No. 616 of 2025, instituted for the
offences punishable under Sections 8(c) and 21(b) of the NDPS
Act.

3. Prosecution allegation, in short, is that there is
recovery of 32.08 gram of heroine from the house of the
petitioners.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners have got no concern with the alleged recovery of heroine. The alleged recovery has been made from the joint house of the petitioner where other family members also reside. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners are in custody since 04.09.2025 and has got two criminal antecedents in which they are on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioners further submits that other co-accused has been granted regular bail by this Court vide order dated 13.11.2025 passed in Cr. Misc. No. 76173 of 2025.

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

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bikramganj P.S.
Case No. 616 of 2025, subject to the following conditions:

- (I) One of the bailors shall be own/close member of the family of the petitioners.
- (II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

Rajorshi/-

(Rudra Prakash Mishra, J)

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