

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2308 of 2026

Arising Out of PS. Case No.-200 Year-2024 Thana- RAXAUL District- East Champaran

Rohit Kumar S/O Durga Sah R/O Village- Mauze Ward No.- 20, P.S- Raxaul,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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

ORAL ORDER

2 21-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Raxaul (Haraiya) P.S. Case No. 200 of 2024, instituted for the
offence under Sections 414 of the Indian Penal Code and
Section 21(c), 23(c) and 29 of the NDPS Act.

3. Earlier vide order dated 26.03.2025 passed in Cr.
Misc. No. 79120 of 2024, regular bail of the petitioner was
rejected by a co-ordinate Bench of this Court considering the
recovery of commercial quantity of codeine syrup with a
direction to expedite the trial and conclude the same at the
earliest.

3. Learned counsel for the petitioner submits that
the present one is the second attempt for grant of regular bail to



the petitioner. It is mainly submitted that charge in this case is framed and till date, only no witness has been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.06.2024. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel for the petitioner further submits that other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 29.04.2025 passed in Cr. Misc. No. 18747 of 2025. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

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

5. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to



the petitioner.

6. 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 Raxaul (Haraiya) P.S. Case No. 200 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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