

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2431 of 2026

Arising Out of PS. Case No.-142 Year-2025 Thana- AURAI District- Muzaffarpur

Bhola Rai @ Bhola Ray Son of Late Vilash Rai @ Late Vilas Ray R/o
Simtoka, P.S. - Aurai, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**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 NDPS
Case No. 159 of 2025 arising out of Aurai P.S. Case No. 142 of
2025 instituted for the offences under Sections 8, 20(B)ii C of
the N.D.P.S. Act and Section 317(2) of the Bharatiya Nyaya
Sanhita, 2023.

3. Prosecution case, in short, is that on receipt of secret
information, police conducted a raid and recovered 63.158 kg
ganja from the spot; on seeing police, several persons fled and
two accused were apprehended, who disclosed the names of
others including the petitioner.

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 01.07.2025 and has two criminal antecedents. 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 rather the recovery has been made from the other co-accused persons who were apprehended on the spot. Learned counsel further submitted that petitioner has no concern with the alleged recovery. 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, there being no recovery of contraband from the petitioner as also the period of custody undergone by him, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 NDPS Case No.



159 of 2025 arising out of Aurai P.S. Case No. 142 of 2025,
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.

(III) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(IV) If the petitioner is found involved in the similar
nature of offence in future, the prosecution will be at liberty to
move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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