

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1888 of 2026

Arising Out of PS. Case No.-121 Year-2025 Thana- JOGBANI District- Araria

Sushil Malik S/o Late Surendra Malik Resident of village- Jogbani Hatiya
Patti, ward no 11, Police station- Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2026 Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner and Mr. Shailendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
01.10.2025 in connection with Jogbani P.S. Case No. 121 of
2025, F.I.R. dated 01.10.2025 for the offences punishable under
Sections 21 & 22 of the N.D.P.S. Act.

3. According to prosecution case, there is recovery of
Diazepam Injection 1333 pieces, Avil injection pieces,
Promethazine injection 1095 pieces, Lupigesic injection 1260
pieces (Each 2 ml.) and 124 pieces Doctor plus siring.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and the allegation as alleged is
false and fabricated. It appears from the F.I.R. that altogether



1333 piece of Diazepam Injection, 1705 pieces of Avil injection, 1095 pieces of Promethazine injection and 1260 pieces of Lupigesic injection apart from 124 pieces Doctor plus siring was also recovered from the house of the petitioner. Learned counsel further submits that although the recovery has been made from the house of the petitioner but the recovered contraband is less than commercial quantity. So there is non violation of section 37 of NDPS Act. There is non-compliance of section 50 and 57 of NDPS Act. He further submits that the police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 01.10.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, recovered contraband is less than commercial quantity and there is non-compliance of sections 50 & 57 NDPS Act, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Araria in connection with Jogbani P.S. Case No. 121 of 2025, with the following conditions:



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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