

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4602 of 2026

Arising Out of PS. Case No.-185 Year-2025 Thana- BARGAINIA District- Sitamarhi

Suraj Kumar @ Suraj Kumar Patel S/o Hiralal Rai @ Hiralal Patel R/o
-Bairgania, PS- Bairgania, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr. Hans Lal Kumar, learned counsel for the

petitioner and Mr. Md. Anzarul Haque Sahara, learned APP for

the State.

2. The petitioner seeks bail, who is in custody since
28.10.2025 in connection with Bairgania P.S. Case No. 185 of
2025, F.I.R. dated 05.09.2025 for the offences punishable under
Section 8(c)/21(b) of the NDPS Act.

3. According to prosecution case, total 18 bottles of
Onerex cough syrup containing codeine was recovered from the
conscious possession of co-accused person, namely, Mahesh
Prasad Kushwaha.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. Learned counsel further submits that the petitioner is not named in the FIR, the name of the petitioner has been transpired on the basis of confessional statement of apprehended co-accused person, namely, Mahesh Prasad Kushwaha and he has alleged that he has purchased the bottles from the medical shop of the petitioner. Learned counsel further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and no incriminating article has been recovered from the shop of the petitioner except the disclosure made by the apprehended co-accused person no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Similarly situated co-accused person, namely, Mahesh Prasad Singh has been granted regular bail by this Court vide order dated 22.01.2026 passed in Cr. Misc. No. 87953 of 2025 and the police after investigation, submitted chargesheet against the petitioner and he is in custody since 28.10.2025.

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

6. Considering the aforesaid facts and circumstances of the case and also the fact that the petitioner having clean



antecedent and no incriminating article has been recovered from the conscious possession of the petitioner and similarly situated co-accused person, whose possession the recovered contraband, has been recovered has been granted bail by this Court, 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 Special Judge, Sitamarhi in connection with Bairgania P.S. Case No. 185 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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