

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3278 of 2026**

Arising Out of PS. Case No.-296 Year-2025 Thana- SAHEBPUR KAMAL District-  
Begusarai

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Bittu Paswan S/O Subhash Paswan @ Subhash Chandra Prasad R/o -  
Mungraure Jamalpur, Ward No.05, P.S - East Colony, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-01-2026                      Heard   Mr.Yogesh Kumar,learned counsel for the  
  
petitioner and Mr.Kumar Veerendra Narayan, learned A.P.P.  
  
for the State.

2. The petitioner seeks bail, who is in custody since  
10.10.2025, in connection with NDPS Case No. 74 of 2025  
arising out of Sahebpur Kamal P.S. Case No. 296 of 2025,  
FIR dated 09.10.2025 registered for the offence punishable  
under Sections 8(c)/21(b)of N.D.P.S.Act and Section 111 of  
BNS, 2023.

3. During search, 50 grams of wet smack like  
substance was recovered from Raja Kumar alongwith mobile  
phones from all three accused persons.

4. Learned counsel appearing for the petitioner



submits that although the petitioner is named in the FIR and he was apprehended alongwith other co-accused persons but it appears from the FIR as well as the seizure list that no incriminating article has been recovered from possession of the petitioner. It appears from the seizure list that contraband has been recovered from possession of co-accused person, namely, Raja Kumar and recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.10.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended alongwith other co-accused persons with the contraband, apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, recovered contraband is less than the commercial quantity and recovery has been made from possession of co-accused person, namely,



Raja Kumar, 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 learned District and Additional Sessions Judge-1st -cum-Special Judge, NDPS Act and P.O. of Children Court in connection with NDPS Case No. 74 of 2025 arising out of Sahebpur Kamal P.S. Case No. 296 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 his/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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