

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3836 of 2026

Arising Out of PS. Case No.-96 Year-2021 Thana- BITHAN District- Samastipur

Devendra Kumar, S/o Ganga Prasad @ Ganga Prasad Mahto, R/o- Gaja Baja,
Bithan Bazar Tola, Sudamanpur, P.S.- Bithan, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ms. Eashita Raj, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 09 of 2023 arising out of Bithan P.S. Case No. 96 of
2021 dated 04.07.2021 instituted for the offence punishable
under Sections 20 & 22 of the Narcotic Drugs and Psychotropic
Substances Act.

3. As per the prosecution case, 35 kg. Ganja like
substances, two mobile phones along with SIM cards and Rs.
39,62,600/- in cash were recovered from the joint house of the
petitioner and one Arvind Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner further submits that



alleged recovery of 35 kg. *Ganja* like substances and Rs. 39,62,600/- has been made from the house of the father of the petitioner, however the petitioner and his full brother have also been made accused in this case. Learned counsel for the petitioner further submits that on the application filed for releasing the said amount, the same has been released in favour of the father of the petitioner. The brother of the petitioner, namely, Arvind Kumar was put in trial in a separate case bearing N.D.P.S. Case No. 8 of 2023 in which he has been acquitted. In that case, the learned trial court has observed that the seized contraband *Ganja*, from which sample was drawn, was not produced as material exhibit during the trial and on that ground, the brother of the petitioner has been acquitted. Lastly, it has been submitted that the petitioner is in custody since 08.12.2025 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Principal District & Sessions Judge, Samastipur in connection with NDPS Case No. 09 of 2023 arising out of Bihtan P.S. Case No. 96 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. 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.



5. The petitioner within two weeks after his release from custody shall appear before the local police station along with a copy of this order and thereafter shall appear in the first week of every month to mark his attendance till conclusion of trial.

(Khatim Reza, J)

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