

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5460 of 2026

Arising Out of PS. Case No.-11 Year-2024 Thana- Roshna District- Katihar

Manish Kumar son of Late Ram Pravesh Ray Resident of Village- Kaladiyara
(at present Sunderpur) P.S-Salimur, District-Patna.

... .. Petitioner/s

Versus

1. The Narcotics Control Bureau Patna through its intelligence officer, Union of India Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

Mrs. Sunidhi Vimal, Advocate

For the Opposite Party/s : Mr. Dr. Krishna Nandan Singh (A.S.G.)

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Roshna
P.S. Case No. 11 of 2024, instituted for the offences under
Sections 20 and 22 of the NDPS Act.

3. This is the second attempt of the petitioner for bail.
The petitioner has renewed his prayer for grant of regular bail
which was earlier rejected by this Court vide order dated
26.10.2024 passed in Cr. Misc. No. 77273 of 2024 taking into
consideration the recovery of huge quantity of Ganja.

4. Learned counsel for the petitioner submits that the
petitioner is languishing in judicial custody since 09.04.2024



without any rhymes or reason and has got no criminal antecedent. It is also submitted that charge-sheet has been submitted, cognizance has been taken in this case and charge has also been framed against the petitioner on 06.02.2025. It is further submitted that the trial is in progress, out of nine witnesses, only five witnesses have been examined in this case.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the trial is in progress and the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned APP for the State has relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”



6. There is no new ground to consider the bail petition of the petitioner. It appears that the trial is going on and is at an advance stage and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. In view of the above, the prayer for bail of the petitioner is again rejected with a direction to the court below to expedite the trial and conclude the same preferably within a period of three months from today.

(Rudra Prakash Mishra, J)

Rajorshi/-

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