

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5394 of 2026

Arising Out of PS. Case No.-496 Year-2025 Thana- BALIYA District- Begusarai

Rajesh Singh @ Rajesh Kumar Singh S/O Yadunanadan Singh Resident of
Village- Madhurapur, Purwari Tola, Ward No. 14, P.S.- Teghra, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-01-2026 Heard Mr. Shashank Shekhar, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
16.11.2025, in connection with N.D.P.S. Case No. 84 of 2025
arising out of Ballia P.S. Case No. 496 of 2025, F.I.R. dated
15.11.2025 registered for the offences punishable under Sections
8(c), 21(c), 18(c), 29 and 31 of the N.D.P.S. Act.

3. The case relates to recovery of 206.69 grams of
Smack.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely implicated
in the present case. He further submits that the allegation as
alleged in the F.I.R. is false and fabricated and the petitioner has



not committed any offence as alleged in the F.I.R. and the recovery has been made from the vehicle in question. It appears from the F.I.R. as well as seizure list that altogether 104.40 grams of Smack was recovered from the possession of the petitioner and 102.29 grams of Smack was recovered from the possession of co-accused person. He further submits that there is non-compliance of mandatory provision of N.D.P.S. Act and the recovered contraband is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the petitioner is in custody since 16.11.2025.

5. Learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the possession of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner having clean antecedent and the recovered contraband is less than the commercial quantity and there is non compliance of mandatory provision of N.D.P.S. Act, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Begusarai in connection with N.D.P.S. Case No. 84 of 2025 arising out of Ballia P.S. Case No. 496 of



2025, 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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