

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6849 of 2026

Arising Out of PS. Case No.-152 Year-2023 Thana- BARGAINIA District- Sitamarhi

Dhiraj Kumar @ Dhiraj Jaiswal @ Dhiraj Kumar Jaiswal S/O Dinesh Prasad
R/O Vill.- Musachak, P.S- Bairgania, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bairganiya PS Case No. 152 of 2023 dated 21-06-2023, instituted for the offence punishable under Sections 399, 402 and 414 of the Indian Penal Code, Sections 8/ 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the N.D.P.S. Act') and Sections 25(1-b)a/26/35 of the Arms Act.

3. The allegation is of recovery of 1.610 kg of Charas like substance, a country-made pistol with three live cartridges, and a mobile phone from the possession of the petitioner.

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



instant case. It is further submitted that the petitioner has no concern with the alleged offence or the recovered charas-like substance and the seized articles do not belong to him. It is next submitted that till date no F.S.L. report has been produced or received to ascertain the nature of the alleged contraband. In the absence of such report, the continuation of the petitioner in custody merely on the basis of a suspected contraband-like substance allegedly recovered from the car from which the petitioner was apprehended along with other co-accused, is unsustainable in law. The petitioner has been in custody since 22.06.2023 and has 18 criminal cases pending against him, out of which Bairganiya P.S. Case No. 190 of 2021 dated 06.09.2021, under Section 8/20(b)(i)B of the NDPS Act, is of similar nature.

5. Learned counsel for the State vehemently opposed the prayer for bail and submits that 1 kg 610 gm of *charas* like substance has allegedly been recovered from the possession of the petitioner. It is further submitted that the petitioner is involved in 18 criminal cases, including Bairganiya P.S. Case No. 190 of 2021 dated 06.09.2021 under Sections 8/20(b)(i)B of the NDPS Act of similar nature, clearly demonstrating that the petitioner is a habitual offender engaged in the trade of



prohibited narcotic substances such as *charas*. Learned counsel further submits that the petitioner's activities are harmful to society, particularly to the youth, and that drug trafficking has serious and damaging effects on the community.

6. Having regard to the facts and circumstances of the case and after hearing learned counsel for the parties and from perusal of the record, it *prima facie* appears that the petitioner was found in conscious possession of 1 kg 610 gm of *charas*-like substance, which is more than small quantity but less than commercial quantity, i.e., intermediate quantity. The materials further indicate that the petitioner is a habitual offender with a similar case pending against him, reflecting a consistent history of criminal behavior that cannot be ignored.

7. Considering the nature of accusation, quantity involved, criminal antecedents, and the serious societal impact of narcotic offences, this Court is of the considered opinion that the petitioner does not deserve bail at this stage.

8. Accordingly, the prayer for bail is rejected.

(Khatim Reza, J)

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