

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11472 of 2026

Arising Out of PS. Case No.-497 Year-2025 Thana- BEGUSARAI TOWN District- Begusarai

Kundan Kumar @ Nepali @ Nepo Son of Abdhesh Mahto @ Late Awdhesh
Mahto @ Abdhesh Rai Resident of village - Bagha, Ward No.- 29, Gachhi
Tola, P.S.- Lohiya Nagar, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 497 of 2025, dated 27-11-2025 instituted for the
offence punishable under Sections 8,20(b), (ii) (B), 21(b) of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation is of recovery of 27 pieces of
Codeine Phosphate & Triprolidine Hcl. cough syrup, 29 pieces
of Pentazocine injection and 56 tables of Nitrazepam 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
present case. It is further submitted that the petitioner has been
arrayed as an accused merely on account of his past criminal
antecedents. It is further submitted that the seizure list itself



discloses that the recovery was made from Manoj Cold Drink Shop situated near Power House Road. The FIR clearly records that the said shop belongs to Manoj Yadav and not to the petitioner. It is further submitted that the seizure list has been prepared in violation of the mandatory provisions of the *Bharatiya Nagarik Suraksha Sanhita, 2023* as well as the Code of Criminal Procedure. There is no independent witness to the alleged seizure and the seizure list has been endorsed only by police personnel. Further, it is submitted that while the FIR is stated to have been lodged on 27.11.2025 the same was forwarded to the Court of the learned Principal Sessions Judge, Begusarai on 29.11.2025 without any plausible explanation for the delay. Lastly, it is submitted that the petitioner has been in custody since 29.11.2025 and 15 criminal cases are stated to be pending against him and in all such case he is already on bail.

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

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 Sessions Judge-Begusarai, in connection with Town P.S. Case No. 497 of 2025,



NDPS case no. 90 of 2025, subject to the following conditions:

(i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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 (iv) that 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 and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U			
---	--	--	--

