

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9026 of 2026

Arising Out of PS. Case No.-397 Year-2025 Thana- ADAPUR District- East Champaran

1. Bhola Patel @ Bhola Raut Kurmi S/O Late Chandrika Patel Resident of village- Gamhariya ward no. 3, P.S.- Kalaiya, District- Bara Nepal
2. Kedar Patel @ Kedar Raut Kurmi S/O Late Harihar Patel Resident of village- Gamhariya ward no. 3, P.S.- Kalaiya, District- Bara Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Adapur P.S. Case No. 397 of 2025 (NDPS G.R. Case No. 153 of 2025) instituted for the offences under Sections 20(b)(ii) and 23(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 4.100 Kg of Ganja has been recovered in this case.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Petitioners are in custody since 23.10.2025 and have no criminal antecedent. There is no allegation of tampering of witnesses



alleged against the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the alleged recovery. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than the commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Adapur P.S. Case No. 397 of 2025 (NDPS G.R. Case No. 153 of 2025), subject to the following conditions:

(I) One of the bailors shall be the deponent namely Raman Kumar, son of Madan Singh.



(II) The petitioners shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioners shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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