

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12554 of 2026

Arising Out of PS. Case No.-39 Year-2025 Thana- Basmatia District- Araria

Aash Bahadur Rai Son of Dhan Bahadur Rai Resident of Village - Deurali
Dharan, Ward no. 05, Police Station Sthai Chouki, Dist. - Sunsari, Nepal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 27-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8 (c) and 21 (b) of the NDPS Act.

3. The case of the prosecution, in brief, is that altogether 12 grams of brown sugar was recovered from the pocket of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that nothing has been recovered from his conscious possession. It is further submitted that the witnesses to the seizure list are police personnel and no independent witness has been associated with



the alleged recovery. The police have also not complied with the mandatory provisions of Section 105 of the B.N.S.S. It has further been contended that the alleged contraband recovered from the possession of the petitioner is more than small quantity but much less than commercial quantity. Moreover, the petitioner is languishing in judicial custody since 16.07.2025.

5. Learned A.P.P. vehemently opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Basmatiya P.S. Case No. 39 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, NDPS Act, Araria.

(Ashok Kumar Pandey, J)

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