

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11738 of 2026

Arising Out of PS. Case No.-374 Year-2025 Thana- KOTWA District- East Champaran

Vivek Kumar @ Vivek Kumar Singh S/o- Jitendra Singh R/v- Kotwa Ps-
Kotwa Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Riya Kashyap, Adv. Mr.Sunil Kumar, Adv.
For the Opposite Party/s :		Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No. 374 of 2025 dated 13.10.2025 registered for the offences punishable under Sections 8(c), 20(b) (ii)(b), 22(c) and 23 of the N.D.P.S. Act.

3. The prosecution case is to the effect that the police received information that the petitioner is indulged in buying and selling of narcotic substance from his grocery shop. The police raided the shop of the petitioner however, the petitioner managed to flee and on search, total 690 grams of intoxicated material like *charas* was recovered.

4. The learned counsel for the petitioner submits that



the petitioner happens to be the owner of the shop however no such recovery has been made from his conscious possession and the petitioner has falsely been implicated because he carries three criminal antecedents. It has further been submitted that admittedly, the recovered quantity falls under the category of intermediate category and therefore, the rigors of Section 37 is not attracted in the present case. It has also been submitted that none of the previous criminal cases in which the petitioner is an accused is of such nature and in fact the police out of personal differences, implicated the petitioner in the present case.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Kotwa P.S. Case No. 374 of 2025, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) The trial court 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 trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(v) In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, East Champaran at Motihari within fifteen (15) days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch



in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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