

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18600 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- Garahara District- Begusarai

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Avinash Kumar S/o- Late Upendra Rai R/v- Dower Kothi, PS- Rajapakar @
Raja Pokhar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr.Deepak Kumar Singh, learned counsel for

the petitioner and Mr.Madan Kumar, learned A.P.P. for the

State.

2. The petitioner seeks bail who is in custody since
12.12.2025 in connection with NDPS Case No. 94 of 2025
arising out of Garhara P.S. Case No. 90 of 2025, F.I.R. dated
11.12.2025 registered for the offence punishable under Sections
8(c),21(b),29 of N.D.P.S.Act.

3. Recovery is of 89.67 Gm of Smack.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. Although there
is specific allegation against that the petitioner that altogether
40.55 Gm of Heroin like substance was recovered from
possession of the petitioner. Learned counsel for the petitioner



submits that there is non-compliance of Section 50 of NDPS Act and similarly situated co-accused person, namely, Sonu Kumar, from whose possession, 24.82 Gms of Smack was recovered, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 04.02.2026 passed in Cr. Misc. No.7140 of 2026 and the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S.Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.12.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, similarly situated co-accused person has been granted bail by a Coordinate Bench of this Hon'ble Court and the recovered contraband is less than the commercial quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-I, Begusarai in connection with NDPS Case No. 94 of 2025 arising out of Garhara P.S. Case No. 90 of 2025, with the following conditions:-



(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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