

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17071 of 2026

Arising Out of PS. Case No.-307 Year-2025 Thana- JANKINAGAR District- Purnia

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Brajesh Kumar @ Brajesh Yadav S/O Suresh Yadav @ Suresh Prasad Yadav
R/O Village- Jhalighat, Ward No. 6, P.S- Jankinagar, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-03-2026 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks bail in connection with Special
Case No. 273 of 2025, arising out of Jankinagar P.S. Case No.
307 of 2025 registered for the offences under Sections 8(c),
8(a), 21(b) of the Narcotics Drugs and Psychotropic Substances
Act.

3. Allegation against the petitioner is that he had sold
smack to the apprehended accused namely Gaurav Kumar, who
disclosed that he had purchased the same from the petitioner
who had fled away leaving his scooty behind and on search total
39.00 grams of brown sugar was recovered from the conscious
possession of the co-accused Gaurav Kumar.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated merely because he carries



three criminal antecedents and two among them are of similar nature. It has further been submitted that the petitioner was not apprehended at the place of occurrence rather his name has surfaced in the statement of co-accused Gaurav Kumar from whom the recovery was made. It has next been submitted that no recovery has been made from the possession of the petitioner or from his house and in fact, the person from whom the said recovery was made has been granted bail by a coordinate Bench of this Court on 22.01.2026 and the order of the same has been brought on record by way of Annexure-P/3. Lastly, it has been submitted that though the petitioner has three criminal antecedents but he is on bail in such cases. The petitioner is in custody since 30.09.2025.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and taking into account the period of custody, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (N.D.P.S.) Act, Purnea in connection with Special Case No. 273 of 2025, arising out of Jankinagar P.S. Case No. 307 of 2025,



subject to the following conditions:

- (i) One of the bailors will be a close relative of the petitioner and the other shall be a local resident;
- (ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;
- (iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;
- (iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on 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 concerned within fifteen 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 Superintendent of Police concerned 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 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.

(Sourendra Pandey, J)

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