

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23245 of 2026

Arising Out of PS. Case No.-139 Year-2025 Thana- SONBERSA District- Sitamarhi

Bhupendra Kumar @ Raja Babu S/o Ram Narayan Rai R/o Village - Jainagar,
P.S. - Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-05-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 139 of 2025, instituted for the offence
under Sections 8, 20(b)(ii)(A) and 21(c) of the N.D.P.S. Act.

3. Earlier, vide order dated 02.09.2025 passed in
Cr. Misc. No. 38558 of 2025, regular bail of the petitioner was
rejected by this Court considering the recovery of contraband
beyond commercial quantity with a direction to the learned Trial
Court to expedite the trial as expeditiously as possible without
any undue delay and unnecessary adjournments.

4. Learned counsel for the petitioner submits that
the present one is the second attempt for grant of regular bail to
the petitioner. It is mainly submitted that charge in this case is
framed and till date, only two witnesses have been examined. It



has been submitted on behalf of the petitioner that the petitioner is in custody since 15.04.2025. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

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

6. In compliance of the order dated 03.04.2026, a report dated 10.04.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the case is pending for prosecution evidence. Out of four prosecution witnesses, two prosecution witnesses have been examined and rest two prosecution witnesses are yet to be examined. It is further reported that the trial of this case is likely to be concluded within six months.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial



incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonbarsa P.S. Case No. 139 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner 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 petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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