

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28471 of 2026

Arising Out of PS. Case No.-188 Year-2025 Thana- LAHERIYASARAI District- Darbhanga

Md. Bare @ Md. Nasim S/o- Md. Abbash Resident of Village- Mohalla-
Khajasarai Police Station- Lehariasarai District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

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

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

ORAL ORDER

3 03-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 17 of 2025, arising out of Laheriasarai P.S. Case No.
188 of 2025 instituted for the offence under Sections 21(c) and
29 of the NDPS Act. Earlier vide order dated 14.10.2025, passed
in Cr. Misc. No. 49875 of 2025, taking into account recovery of
contraband beyond commercial quantity coupled with embargo
under Section 37 of the NDPS Act.

3. 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, two (2) out of seven (7) witnesses have



been examined in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.04.2025, having six (6) criminal antecedents. 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.

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

5. 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.

6. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 17



of 2025, arising out of Laheriasarai P.S. Case No. 188 of 2025,
subject to the following conditions:

(I) One of the bailors shall be own/close member of the
family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

Raj Kishore/-

(Rudra Prakash Mishra, J)

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