

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30186 of 2026

Arising Out of PS. Case No.-273 Year-2024 Thana- KANKARBAG District- Patna

=====

Brajesh Kumar S/o Late Shiv Kumar Prasad Resident of Village - Kathal Tola
Shosarai, Police Station - Shosarai, District -Nalanda At present C/o Suman
Devi, Tekari Road Near Hanuman Mandir Shersshah Road, Sakari Gali, Police
Station - Alamganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

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

=====

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

ORAL ORDER

4 21-07-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Special
Case (NDPS) No. 07 of 2026 arising out of Kankarbagh PS
Case No. 273 of 2024 instituted for the offences under Sections
21 & 22(a)(b) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

3. The prosecution case is that on 19.04.2024, acting
on secret information, a joint police and Drug Inspector team
raided Lohiya Park, Kankarbagh, apprehended Sagar Kumar
and Aditya Kumar Singh, and allegedly recovered 550 Leegestic
(Buprenorphine 0.6 mg/2 ml) injections and 550 Avil



(Pheniramine Maleate) injections, along with mobile phones and a pocket diary. On the disclosure of the arrested accused, the police raided the rented premises of petitioner, where they allegedly recovered 3,905 Leegesic (Buprenorphine 0.6 mg/2 ml) injections with corresponding Avil injections, and arrested Siyaram.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concerned with the recovered contraband. The recovered contraband is below the small quantity as total contraband found in 3905 tablets comes to 2.343 grams. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 09.12.2025 and has got four criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

6. Considering the aforesaid facts and circumstances of the case, recovery of contraband below small quantity and the



period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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 Special Case (NDPS) No. 07 of 2026 arising out of Kankarbagh PS Case No. 273 of 2024, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

