

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32817 of 2026

Arising Out of PS. Case No.-83 Year-2026 Thana- BIHAR District- Nalanda

Roshan Kumar S/O Late Chote Lal Bihari R/O Village- Mahal Par ,P.S- Bihar,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Mr. Vijay Shankar Shrivastava, learned
counsel for the petitioner and Mr. Tarun Prasad Mandal, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.02.2026 in connection with Bihar Sharif P.S. Case No. 83 of
2026 for the offences punishable under Sections 8(C), 21(b) of
NDPS Act.

3. The case of the prosecution, in brief, is that the
informant Sushil Kumar Paswan, P.S.I. posted at Bihar P.S. is
that on 16.02.2026 at about 15:05 hrs., informant along with
police party proceeded from police station to procure data. At
about 16:30 hrs., while they were going near Nai Sarai then saw
that one person is fleeing away toward a old building after
seeing the police party. Thereafter, police party encircled the the



said building and apprehended two persons. On query, they disclosed their names as Gop Kumar and Raushan Kumar. On search of Gop Kumar, total 15 sachets of wrapped through paper, folded in a black colour polythene was recovered. On opening the sachets, it were found to be Brown Sugar. On weighing along with paper, it was found total 10.2 gm and without the paper, it was found total 5.25 gm. On further query, the apprehended persons told that they sells Brown Sugar for one Uday Kumar.

4. Learned counsel for the petitioner submits that it appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the pocket of the co-accused person, namely, Gope Kumar and altogether 5.25 grams of brown sugar was recovered from the possession of the co-accused person. It is next submitted that there is non-compliance of mandatory provisions of NDPS Act and petitioner has been made an accused in the present case on the ground that the petitioner was accompanied with the co-accused person and recovered contraband is less than the commercial quantity but little more than the small quantity and petitioner is in custody since 17.02.2026.



5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of one case other than the present case but fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and that nothing has been recovered from the conscious possession of the petitioner and the recovered contraband is less than the commercial quantity and little more than the small 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 the learned Principal Sessions Judge-cum-Special Judge, Biharsharif, Nalanda in connection with Biharsharif P.S. Case No. 83 of 2026, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Gaurav Sinha/-

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