

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31985 of 2026

Arising Out of PS. Case No.-172 Year-2026 Thana- FORBESGANJ District- Araria

1. Deepak Kumar, S/o Umesh Das, Resident of Chaura Parwaha, Ward No. 10, P.S. - Forbesganj, District - Araria.
2. Sushil Kumar, S/o Sanjay Mukhiya, Present R/o Bhagkohaliya, Ward No. 09, P.S.- Forbesganj, Dis. - Araria. Permanent Address - Resident of Chaura Parwaha, Ward No. 9, P.S. - Forbesganj, District - Araria.
3. Dharmendra Kumar @ Dharmendra Kumar Mukhiya, S/o Paltan Mukhiya @ Parash Mukhiya Present R/o Bhagkohaliya, Ward No. 09, P.S.- Forbesganj, Dis. - Araria. Permanent Address - Resident of Chaura Parwaha, Ward No. 9, P.S. - Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-05-2026

1. Heard the parties

2. The petitioners seek regular bail in connection with Forbesganj P. S. Case No. 172 of 2026 registered for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. The main submissions advanced by the petitioners' counsel are that the petitioners are innocent and have been falsely implicated in the present case and the alleged recovery of smack like substance has not been made from the conscious possession of the petitioners rather the same is alleged to have



been recovered from the house of co-accused Suraj Kumar Das and Chandan Kumar Das and no independent witness has supported the alleged recovery and the entire prosecution case rests upon police witlessness only and no videography of search and seizure was conducted and further from the perusal of the FIR and seizure list it appears that the alleged recovered articles were not sealed at the spot, so, possibility of tampering can not be ruled out. Learned counsel also submits that the alleged quantity is only 20.70 grms including polythene which falls under intermediate quantity and not under the commercial quantity and therefore the regour of Section 37 of the NDPS Act are not attracted in the present case and the petitioners have no criminal antecedent and have been languishing in jail since 25.03.2026.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. In the facts and circumstances of this case and considering the statements made in the petition as well as above submissions, coupled with the fact that the alleged recovered narcotic contraband is said to have been recovered from the house of the co-accused persons and not from the conscious possession of the petitioner and also taking into consideration



the petitioners' fair and clean antecedent, this court is inclined to enlarge the petitioners on bail, accordingly, let the petitioners named-above be enlarged on bail in connection with Forbesganj P. S. Case No. 172 of 2026 on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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