

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35917 of 2026

Arising Out of PS. Case No.-1137 Year-2025 Thana- DANAPUR District- Patna

Vishal Rai @ Napali Son of Baijnath Rai Resident of Village - Mubarakpur,
Ward no. 7, Ps- Danapur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 8(c), 21(b) of the N.D.P.S. Act and under Section 25(1-b)a and 26 of the Arms Act.

3. As per the prosecution case, 6 gram smack and a country made pistol containing two live cartridges have been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that a false recovery of smack and country made pistol has been shown from the possession of the petitioner and, as such, recovery has not been made in the presence of any independent witness. It is further submitted that so far as the recovery of the



contraband is concerned, it is 6 grams, which is a little over small quantity and much less than commercial quantity. It has been further submitted that the petitioner is in custody since 24.10.2025.

5. Learned APP for the State has opposed the grant of bail on the ground that the petitioner has four criminal antecedent. However, in response it has been submitted that the petitioner is on bail in all other cases and those cases are similar in nature. Further, charge-sheet has been submitted in those cases and cognizance has already been taken and petitioner undertakes to co-operate in the trial in getting the charges framed.

6. Taking into consideration the facts and circumstances and considering the fact that the recovery of contraband is just a little over small quantity and the petitioner has remained in custody for more than 7 months, coupled with the fact that the charge-sheet has already been submitted and cognizance has been taken, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, (N.D.P.S. Act) I, Patna /concerned Court below in connection with



Danapur P.S. Case No. 1137 of 2025 subject to condition that:-

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister.

(ii) The petitioner shall appear on each and every date fixed in the case before the Court concerned and would co-operate in getting the charges framed and in case of non-appearance on any date without reasonable cause, the learned Court concerned would be at liberty to cancel his bail bonds.

(Soni Shrivastava, J)

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