

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33821 of 2026

Arising Out of PS. Case No.-80 Year-2026 Thana- BELA District- Sitamarhi

=====

Kamlesh Kumar S/O Late Badri Prasad Gupta R/O Vill.- Macchpakoni, P.S-
Bela, Dist – Sitamarhi. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-06-2026 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 Section 21 (c) of the N.D.P.S. Act.

3. As per the prosecution case, huge quantity of
intoxicant syrups and medicines containing Codeine and
Nitrazepam etc like contraband are said to have been recovered,
which were allegedly thrown by the petitioner and others.

4. It is submitted by learned counsel for the
petitioner that no recovery has been made from the conscious
or physical possession of the petitioner, rather the same was
recovered from a bamboo clamp which is an open place and
easily accessible to anyone, hence no liability can be fastened
on the petitioner. It is further submitted that there is violation of
Section 42 and 45 of the N.D.P.S. Act. It is pointed out that one
similarly situated co-accused, Kaushal Prasad Gupta has already
been granted the privilege of bail by a coordinate Bench of this



Court vide order dated 21.05.2026 passed in Cr. Misc. No.35425 of 2026. The petitioner has been languishing in custody since 22.03.2026.

5. Learned APP for the State opposed the bail petition on the ground that the petitioner has one criminal antecedent of similar nature of the offence. In response, it is submitted that petitioner is on bail in the said case.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the similarly situated co-accused has already been granted the privilege of bail, the above named petitioner is directed to be enlarged 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 Court below where the case is pending/successor Court in connection with Bela P.S. Case No.80 of 2026, subject to the conditions that :

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

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(Soni Shrivastava, J)

Trivedi/-

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

