

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35111 of 2026

Arising Out of PS. Case No.-138 Year-2026 Thana- HAJIPUR SADAR District- Vaishali

Pawan Kumar @ Pawan Kumar Rai S/o Late Baleshwar Rai @ Late Baleshwar prasad Resident of Village - Chaknur, Ward No.- 10, P.S.- Hajipur Sadar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Ray, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 17-07-2026 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Hajipur Sadar P.S. Case No. 138 of 2026 registered for the offences punishable under Sections 8(C), 21(b), 22 of Narcotic Drugs and Psychotropic Substance Act, 1985.

3. As per the prosecution case, a total quantity of 16.20 grams of a smack-like substance was recovered from underneath the staircase of the shop-cum-residential house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case and procedure prescribed under Section 103 B.N.S.S. has not been followed with. It has further been submitted that the recovered quantity is much below the commercial quantity and, therefore, the rigours of Section 37 of the N.D.P.S. Act are not applicable as against him. It has further been submitted that nothing has been recovered from the conscious possession of the petitioner, moreover, mandatory provisions under Sections 42 and 43 of the N.D.P.S. Act have also not been complied with. It has further been submitted that although petitioner has been made accused in five other cases, but in one of the cases he has been acquitted and in four other cases he is on bail and none of which are of similar nature. Lastly, it has been submitted that the petitioner is in custody since 02.03.2026 and charge sheet has been submitted in the present case and there is no allegation of tampering against the petitioner.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances of the case, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Pr. Sessions Judge, Vaishali at Hajipur in connection
with Hajipur Sadar P.S. Case No. 138 of 2026.

8. The application stands allowed.

(Praveen Kumar, J)

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