

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36256 of 2026

Arising Out of PS. Case No.-59 Year-2026 Thana- BASOPATTI District- Madhubani

Bechan Das son of Upendra Das Resident of village- Mahinathpur, Ps-
Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

3 17-07-2026 Heard learned counsel for the petitioner as well as
Shri Shailendra Kumar, Learned A.P.P. on behalf of the State.

2. Petitioner is languishing in jail custody since
26.02.2026 for the offence under Section 8(c), 21(b) of the
N.D.P.S. Act.

3. As per the allegation made in the F.I.R., the police
patrolling party apprehended the sole petitioner and 13.70 gm of
illegal brown sugar is said to have been recovered from the
pocket of his shirt.

4. Learned counsel for the petitioner has submitted
that the recovery in question is not of a commercial quantity. It
is slightly more than a small quantity falling in the ambit of an
intermediate quantity. It is next submitted that the seizure list is
not in accordance with Section 50 of the N.D.P.S. Act.



5. Lastly, he submits that even though he has one criminal case against him as mentioned in paragraph-3 of the application, but in that case he has already been granted bail by the lower Court vide order dated 6 June, 2026 in G.R. case No.14/2026.

6. Learned A.P.P. on behalf of the State has reiterated the allegations in the F.I.R., but has said that the recovery in question is not of commercial quantity.

7. Taking into consideration the entire facts and circumstances of the case, since the petitioner has remained in custody from 26.02.2006 and the quantity which has been recovered is much below commercial quantity this Court is inclined to release the petitioner.

8. Accordingly, the application for regular bail is allowed and the petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge Madhubani, P.S. Case No. 59 of 2026, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial.
- (ii) One of the bailors must be close relatives of the



petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the case as mentioned in para-3 of the bail petition, his bail bond will not be accepted.

(Raj Kumar, J)

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