

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37613 of 2026

Arising Out of PS. Case No.-4 Year-2026 Thana- LAUHIYANAGAR District- Begusarai

Harsh Kumar@ Ritik Raj S/O Rajeev Sinha @ Rajeev Kumar Sinha @
Rajeev Kishor Prasad R/O Mohalla- Lohiyanagar (Lohianagar), Ward No. 28,
Panhas, Suhird Nagar, P.S.- Lohiyanagar (Lohianagar), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2026 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioner and Mr. Umesh Lal Verma, learned APP for
the State.

2. Petitioner seeks bail who is in custody since
19.02.2026 in N.D.P.S Case No. 05 of 2026 arising out of
Lohiyanagar P.S. Case No. 04 of 2026, F.I.R. dated 17.01.2026
for the offences punishable under Sections 8 (c) and 21(b) of the
Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Recovery is of 5.15 grams of smack.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. As per allegation in the FIR the
petitioner has escaped from the place of occurrence. He next



submits that apprehended co-accused, namely, Rajnish Kumar had disclosed the name of the petitioner. He next submits that the said Rajnish Kumar has been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 12.05.2026 in Cr. Misc. No. 32469 of 2026. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet. The petitioner is in custody since 19.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge, 1st-cum-Special Judge NDPS Act and PO of Children Court, Begusarai in connection with Lohiyanagar P.S. Case No. 04 of 2026, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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