

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37943 of 2026

Arising Out of PS. Case No.-142 Year-2025 Thana- AURAI District- Muzaffarpur

Rahul Kumar S/o Bhoril Ray R/o village- Devkuli, PS- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-06-2026 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Aurai P.S. Case No. 142 of 2025, lodged on 01.07.2025, under Sections 8/20(b)(ii)(c) of the N.D.P.S. Act and under Section 317(2) of the Bhartiya Nyay Sanhita, 2023, pending in the Court of Exclusive Special Court-II (N.D.P.S. Act), Muzaffarpur.

3. As per the prosecution, FIR has been lodged against twelve named accused persons including the present petitioner. Total recovery of 63.518 Kgs of Ganja has been made which is



the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner has been implicated in this case on disclosure statement of arrested co-accused before police. He submits that the petitioner has never indulged in dealing with Ganja. He submits that the relevant procedure under Sections 42 and 50 of the N.D.P.S. Act has not been followed during search and seizure. He submits that similarly situated co-accused has been granted anticipatory bail vide order dated 28.01.2026 passed in Cr. Misc. No.2598 of 2026 by a co-ordinate Bench of this Court. Counsel submits that the criminal antecedent of the petitioner is not clean. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean.

6. Considering the nature of allegation and antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is hereby refused. However, in



the event of surrender of the petitioner within four weeks from today, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Dr. Anshuman, J)

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