

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38932 of 2026**

Arising Out of PS. Case No.-40 Year-2026 Thana- MAJORGANJ District- Sitamarhi

Sunil Kumar S/O Kishori Ray Resident of Village - Kailashpur (Bahera), P.S-
Mejorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Raj Kishor Singh

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 22-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 31.01.2026 in connection with Mejorganj P.S. Case No. 40 of 2026 for the offences punishable under Section 317(5) of the BNS and Section 21(C) of the NDPS Act.

3. The case of the prosecution in brief is that one Barun Kumar the police officer posted in 20th B.N. S.S.B. Sitamarhi has given a written information on 20.01.2026 to the concern officer in charge alleging there in that on 29.01.2026 at 0010 O'clock he received information that a person has to come with smuggling articles from Sitamarhi through Mejorganj as such he along with other police force have departure for joint Naka duty and in course of that at 0040 O' clock a unknown



motorcycle driver has been seen near Pillar No. 334/01 coming from towards Mejorganj as such he was directed to stop but said person tried his best to flee away leaving his motorcycle but he was caught hold an search COCAS DX 03 BTL, AASCOT 11BTL, COREX DX 19 BTL and NITRAZEPAM TAB 1P 10MG 40 Tablets has been recovered but the caught hold person has not produced any valid paper of the alleged seized motorcycle and medicine. On ask the caught hold person disclosed his name as Sunil Kumar and accepted that he taking away the alleged medicine at Nepal.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. It is next submitted that the recovered contraband is less than commercial quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. Learned counsel for the petitioner next submits that police after investigation has submitted charge-sheet and petitioner is in custody since 31.01.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of four cases other than the present case but fairly submits that the petitioner is on bail in



the pending matters.

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 Special Judge, Sitamarhi or its successor Court in connection with Mejorganj P.S. Case No. 40 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 her absence on two consecutive dates without sufficient reason, her 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)

Gaurav Sinha/-

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