

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40290 of 2026

Arising Out of PS. Case No.-7 Year-2024 Thana- MITHANPURA District- Muzaffarpur

Naresh Paswan Son of Ramchandrar Paswan @ Ramchandra Paswan Resident
of Village- Bari Kothiya, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramakant Sharma, Sr. Advocate Mr. Mayank Raj, Advocate Mr. Rahul Singh, Advocate Mr. Adarsh, Advocate
For the Opposite Party/s :	Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that altogether 24.5 grams of smack was recovered from the possession of this petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from his possession. It has further been submitted that the seizure list witnesses are



police personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. Petitioner is languishing in judicial custody since 09.01.2024.

5. Learned counsel for the petitioner has further submitted that earlier the bail petition of this petitioner was rejected by learned Co-ordinate Bench of this Court vide order dated 18.07.2024 passed in Cr. Misc. No. 24233 of 2024 with an observation that the petitioner is at liberty to renew his prayer for bail if the trial is not concluded within a period of one year. It has further been submitted that more than one year has elapsed from that order and the trial is still not concluded.

6. Learned counsel for the petitioner has further submitted that vide order dated 29.08.2025 passed in Cr. Misc No. 54056 of 2025, the petitioner was granted bail by the learned Co-ordinate Bench of this Court with an observation that before accepting bail bonds of the petitioner, the learned trial Court shall verify his criminal antecedent and if it is found that he is involved in any other case except the cases, as mentioned in paragraph 3 of the bail petition, his bail bond shall not be accepted.

7. Learned counsel for the petitioner has further submitted that as the antecedent of the petitioner was not



properly disclosed in bail petition, his bail bond was not accepted that is why, he is in custody. It has further been submitted that the alleged recovery of contraband is though more than small quantity but is much less than commercial quantity. It has also been submitted that without F.S.L. report, the charge-sheet was filed in this case.

8. Learned APP appearing for the State has vehemently opposed the application for bail.

9. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Exclusive Special Court-I (NDPS Court), Muzaffarpur in connection with Mithanpura P.S. Case No. 07 of 2024.

(Ashok Kumar Pandey, J)

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