

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39977 of 2025

Arising Out of PS. Case No.-439 Year-2022 Thana- RAXAUL District- East Champaran

Mohit Kumar Patel @ Mohit Patel @ Mohit Kumar S/O Mahesh Prasad @ Mahesh Patel Resident of- Ashram Road, Raxaul, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 06-01-2026 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner seeks bail in connection with Raxaul P.S. Case No. 439 of 2022 dated 16.09.2022 registered for the offences punishable under Sections 21 (b) of the Narcotic Drugs & Psychotropic Substances Act.

3. As per the prosecution case, the informant received secret information that the petitioner had stored narcotic drugs and is selling the same. A raid was conducted. On seeing the police party, the petitioner managed to escape. On search, 80 pieces of 100 ml. Wincirex cough syrup, 120 tablet of Nitrovet, 74 pieces of Spascorvon Plus and Nepali currency for Rs. 2540/- were recovered.

4. Learned counsel for the petitioner submits that the petitioner has not been apprehended at the place of occurrence and



no incriminating article has been recovered from his conscious possession. It has further been submitted that the petitioner has falsely been implicated merely because he carries criminal antecedents of similar nature. It is next submitted that the quantity of codeine phosphate if calculated comes out to 60 ml., however the commercial quantity is 1 Kg. It has lastly been submitted that the petitioner has three criminal antecedents in which he is on bail and he is in custody since 15.04.2025. Learned counsel for the petitioner submits that the petitioner is ready to appear on each and every date fixed during the trial and shall make himself present whenever the trial court requires. It has further been submitted that the petitioner is ready if this court directs for a government servant to stand as a bailor apart from one immediate relative of the petitioner.

5. Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner and submitted that the recovery has been made from the possession of the petitioner. It is evident that the petitioner was found to have been selling narcotic substances which is banned in the State of Bihar. It has further been submitted that the cough syrup containing codeine was recovered from the house of the petitioner.

6. Considering the facts and circumstances of the case and taking into account of the fact that the charges have been framed on 10.12.2025 and the petitioner is in custody since 15.04.2025, the



petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Raxaul P.S. Case No. 439 of 2022, N.D.P.S. G.R. No. 86 of 2022, subject to the following terms and conditions :-

(i) One of the bailors will be a close relative of the petitioner and the other bailors should be a government servant.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(v) In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police,



Motihari, East Champaran within fifteen (15) days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner with be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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