

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46246 of 2026

Arising Out of PS. Case No.-426 Year-2026 Thana- NAGAR District- Vaishali

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Prince Kumar @ Prince Raj S/o Ram Prasad Rai Resident of Village -
Labapur, Narayan, P.S.- Mahnar, District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 426 of 2026, instituted for the offences
punishable under Sections 8(c), 21(c), 25 and 29 of the NDPS
Act.

3. Prosecution allegation, in short, is that there is
recovery of total 526 gram of Heroin from the possession of
four co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner also submits that neither the petitioner was arrested on spot nor Heroin has been recovered from his conscious possession. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Ashwani Kumar and the same has got no evidentiary value. The petitioner is in custody since 21.05.2026 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case, the petitioner was not arrested on spot and no any recovery has been made from him and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Hajipur Town P.S.
Case No. 426 of 2026, subject to the following conditions:

- (I) One of the bailors shall be own/close member of the family of the petitioner.
- (II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

Rajorshi/-

(Rudra Prakash Mishra, J)

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