

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49937 of 2026

Arising Out of PS. Case No.-952 Year-2025 Thana- JAKKANPUR District- Patna

1. Chandan Kumar @ Joima @ Chandan Ray son of Naresh Rai @ Ramnaresh Ray Resident of village - Tersiya ward no - 5, P.S - Ganga Bridge, District - Vaishali
2. Kundan Kumar Son of Naresh Rai @ Ram naresh Ray Resident of village - Tersiya ward no - 5, P.S - Ganga Bridge, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 17-07-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Jakkanpur P.S. Case No. 952 of 2025, registered for the offences punishable under Sections 111(2)(b) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 8(c), 21(b) and 29 of the NDPS Act.

3. The prosecution case, in short, is that there is recovery of total 22.46 gram heroine from the possession of co-



accused person.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel for the petitioners also submits that the petitioners were not present at the place of occurrence. Name of the petitioners have transpired in this case on the basis of confessional statement made by co-accused person and the same has got no evidentiary value. The petitioners have got no concern with the alleged recovery of heroine. The petitioners have got one criminal antecedent. The recovered contraband is below the commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the NDPS Act. Learned counsel for the petitioners further submits that co-accused has been granted regular bail by this Court vide order dated 09.03.2026 passed in Cr. Misc. No. 9862 of 2026.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the allegation levelled against the petitioners is that they are actively involved in illegal business of heroine. Hence, the petitioners do not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances



of the case, nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioners.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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