

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54197 of 2025

Arising Out of PS. Case No.-328 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Deepak Kumar Deepak @ Deepak Kumar S/o Arbind Sah @ Arvind Sahu RO
Village - Pusaho, P.S.- Bithan, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through NCB Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Singh, Advocate
	:	Mr. Rahul Rathour, Advocate
	:	Mr. Mukul kumar, Advocate
	:	Mr. Ambrish Kumar, Advocate
	:	Mr. Saharsh Singh, Advocate
For the State	:	Ms. Madhuri Lata, APP
For the NCB	:	Mr. Arvind Kumar, CGC
	:	Dr. K.N. Singh, ASG
	:	Mr. Anunay Sahi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-02-2026 Heard Mr. Sudhir Kumar Singh, learned counsel for the petitioner, Ms. Madhuri Lata, learned Additional Public Prosecutor for the State and Mr. Arvind Kumar, learned counsel for the Narcotics Control Bureau.

2. Petitioner seeks bail who is in custody since 27.08.2022 in connection with NDPS Case No. 02 of 2023 arising out of Dalsingsarai P.S. Case No. 328 of 2022, F.I.R. dated 26.08.2022 for the offences punishable under Sections 8/20(B)(ii)/C/25/29 of the NDPS Act and Sections 25(1-B)a, 26 of the Arms Act.



3. Earlier the bail application of the petitioner was rejected vide order dated 16.08.2023 and 05.07.2024 passed in Cr.Misc. No. 19377 of 2023 and Cr. Misc. No. 29992 of 2024.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that similarly situated, co-accused persons, namely, Avinash Kumar, Ajay Kumar, Rajeev Kumar Sinha and Kundan Kumar @ Suman Kumar have been granted bail by the co-ordinate Bench of this Court vide order dated 08.05.2023, 02.05.2023, 22.05.2023 passed in Cr. Misc. No. 72490 of 2022, Cr. Misc. No. 67300 of 2022, Cr. Misc. No. 4960 of 2023, Cr. Misc. No. 21899 of 2023. He further submits that the petitioner is in custody since 27.08.2022 and the trial is not concluded as yet.

5. Vide order dated 08.08.2025 a report was called with regard to stage of the trial. Report of the learned Trial Court dated 22.08.2025 reveals that out of eight charge sheet witnesses, six witnesses have been examined and one witness died during the pendency of the present case and only one witness is required to be examined.

6. Learned counsel for the petitioner has filed supplementary affidavit stating therein that from 22.07.2025 to



12.01.2026, the prosecution had not examined any witness as yet.

7. Learned Additional Public Prosecutor as well as learned counsel for the NCB have vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances and the fact that similarly situated, co-accused persons have been granted bail by the co-ordinate Bench of this Court and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-1st, Samastipur in connection with Dalsingsarai P.S. Case No. 328 of 2022, 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 his absence on two consecutive dates without sufficient reason, his 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)

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