IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58982 of 2026

CNR No. BRHC010846672026

Arising Out of PS. Case No.-142 Year-2026 Thana- JOGBANI District- Araria

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Birendra Paswan @ Biren @ Sarkit Paswan son of Late jawahar Paswan Resident Of Village- Indranagar, Tikulia Basti Ward No.09 P.S- Jogbani Distt -Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Krishna Prabhat, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

5 27-10-2026 Heard learned senior counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail in connection with Jogbani P.S. Case No. 142 of 2026 registered for the offences punishable under Sections 21 and 22 of NDPS Act.

3. As per the prosecution case, on 18.05.2026, at about 12:10 PM, while patrolling, the police allegedly received secret information that the petitioner, Birendra Paswan @ Biren @ Sarkit Paswan, was transporting intoxicating medicines for sale. A raiding team intercepted a bus and searched it, allegedly recovering 1,344 capsules of Spasmo Proxyvon Plus (168 strips containing 8 capsules each) from a bag carried by the petitioner.

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During interrogation, the petitioner allegedly disclosed that the capsules were to be sold to co-accused Lalu Sah, who was subsequently apprehended from the bus stand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the prosecution case is false and concocted and nothing has been recovered from the conscious possession of the petitioner. The chargesheet has already been submitted and the petitioner has been in custody since 19.05.2026. The petitioner has no criminal antecedents. The alleged quantity of contraband recovered, weighing 67.2 grams, is an intermediate quantity and below the commercial quantity. Therefore, the petitioner deserves the privilege of regular bail.

5. Learned Additional Public Prosecutor for the State vehemently opposes the prayer for regular bail and submits that the petitioner is involved in a serious offence under the NDPS Act. Therefore, the petitioner does not deserve the privilege of regular bail.

6. I have heard learned counsel for the parties and perused the record. As per the FIR and the counter-affidavit, 67.2 grams of contraband was recovered from the possession of

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the petitioner. The chargesheet has already been filed, the petitioner has remained in custody for more than five months, and he has no criminal antecedents. Considering the period of custody and the facts and circumstances of the case, this Court is of the view that the petitioner deserves the privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner above-named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Session Judge-cum-Special Judge NDPS Act, Araria, in connection with Jogbani P.S. Case No. 142 of 2026, 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, their bail bond shall be canceled by the Court below.

(ii) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) And, further condition that the court below shall

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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 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.

(Girijish Kumar, J)

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