IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61905 of 2026

CNR No. BRHC010887212026

Arising Out of PS. Case No.-579 Year-2026 Thana- MUZAFFARPUR SADAR District-Muzaffarpur

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Sonu Kumar @ Rahul S/o Virendra Das @ Birendra Das Resident of village - Ward no. 20, Raxaul, P.S - Raxaul District - East Champaran, Motihari

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sujeet Kumar, Adv.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

4 30-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. This is an application for regular bail to the petitioner who has been made accused in connection with Sadar P.S. Case No. 579 of 2026 registered for the offences punishable under Sections 8(C), 21 & 22(b) of the NDPS Act.

3. As per the prosecution case, on 10.06.2026, the informant received secret information that a vehicle travelling from Patna towards Motihari was carrying illegal drugs. Accordingly, the vehicle was intercepted and four persons were apprehended. There is a recovery of 22.5 gm of Promethazine Hydrochloride, 1.62 gm of Buprenorphine and 31.5 gm of Diazepam injections.

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4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of this petitioner. It is submitted that neither the recovered injection nor the said vehicle from which the contraband has been recovered belong to the petitioner. It is submitted on behalf of the petitioner that the mandatory provisions of NDPS under Sections 42, 50 and 57 has not been complied with. Also, there is no any independent witness to the alleged occurrence as such the mandatory provisions of Section 103 of the BNSS has not been followed.

5. It is further submitted on behalf of the petitioner that the 22.5 gms of Promethazine Hydrochloride does not fall under the category of NDPS and the recovery of 1.62 gm of Buprenorphine is less than the small quantity and 31.5 gms of Diazepam injections comes under the intermediate quantity. It is submitted that the petitioner, being the sole earning member of the family, is facing financial hardship in maintaining his dependents. Investigation has already been completed and the charge-sheet has been submitted. Petitioner has clean antecedent and is languishing in judicial custody since 12.06.2026.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

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7. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal District and Sessions Judge, Muzzafarpur/concerned court in connection with Sadar P.S. Case No. 579 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) 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.

(Kumar Manish, J)

Abhishek/-

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