IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75654 of 2026

CNR No. BRHC010986682026

Arising Out of PS. Case No.-81 Year-2020 Thana- SONBERSA District- Sitamarhi

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Dilip Rai @ Dilip Ray @ Dileep Ray S/o Sagar Rai @ Sagar Ray @ Ram Sagar Rai Resident of Village- Basantpur Gadwa, P.S.- Puranhia, District - Sheohar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with NDPS Case No. 9 of 2020, instituted for the offence punishable under Section 414 of the Indian Penal Code and Sections 8, 20(b)(ii)(B) of NDPS Act.

3. The prosecution story in brief is that, on secret information, the informant searched the motorcycle which was being driven by the petitioner and one another co-accused namely, Firoz Khan was sitting back, and recovered 5 kg Ganja from the bag of the co-accused namely, Firoz Khan and F.I.R was registered accordingly.

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4. Learned counsel appearing on behalf of the petitioner submits that bail was granted to the petitioner by this Court vide order dated 01.12.2020 passed in Cr. Misc. No. 23722 of 2020. However, the petitioner's bail bond was cancelled and summon was issued on 24.04.2023. Subsequently, a non-bailable warrant was issued on 08.02.2026 and the petitioner was taken into custody on 09.03.2026. It is further submitted that the petitioner has no criminal antecedent, he undertakes to appear on each and every date of the proceedings and charge has already been framed, therefore, the petitioner may be released on bail.

5. Learned APP has opposed the prayer for bail.

6. Heard learned counsel for the parties. Since the petitioner has violated the conditions of his bail, his bail bond was cancelled in the year 2023, thereafter, the petitioner was taken into custody on 09.03.2026 and has remained in custody for more than seven months for violating the conditions of his bail.

7. Considering the facts and circumstance of the case specially the period of custody, let the above named petitioner be released on bail, on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount

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each to the satisfaction of the learned District and Additional Sessions Judge II, Sitamarhi in connection with Sonbersa P.S. Case No. 81 of 2020, 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 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 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 bond 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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