IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68232 of 2026

CNR No. BRHC010991142026

Arising Out of PS. Case No.-8 Year-2026 Thana- ALAMGANJ District- Patna

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Babua @ Jitendra Paswan @ Radhe @ Jitendra Paswan S/o Basudev Paswan Resident of Village - Danka Imali, Gur ki Mandi, Pitambara Mandir Colony, P.S. - Alamganj, District Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kritu Verma, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 20-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Alamganj P.S. Case No. 08 of 2026 bearing Special Case No. 62 of 2026 registered for the offences punishable under Sections 8(c), 21(b), 22, 29 of N.D.P.S. Act, 1985.

3. As per prosecution case, 29.30 gram smack like substance was recovered from the possession of the apprehended co-accused Jitendra Kumar @ Mrityunjay Kumar and he disclosed that the alleged item was given by the petitioner for the purpose of selling.

4. Learned counsel for the petitioner submits that

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petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that except disclosure of the apprehended co-accused Jitendra Kumar @ Mrityunjay Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the said co-accused disclosed the name of the petitioner on account of village politics. In the light of the aforesaid facts and circumstance of the present case, no ingredient of Section 8(c), 21(b), 22 and 29 of N.D.P.S. Act is attracted against the petitioner. He further submits that there is no compliance of Section 103 of BNSS. Petitioner is in custody since 10.07.2026 and he bears criminal antecedent of five cases which is not similar to the present case. He further submits that out of five cases, petitioner is on bail in four cases. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and the impugned order clearly reflects that cognizance has also been taken under Sections 21(b)/29 of NDPS Act against the petitioner. He further submits that co-accused Jitendra Kumar @ Mrityunjay Kumar has already been granted bail by the Co-ordinate Bench of this Court vide Cr.

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Misc. No. 30278 of 2026 and learned counsel for the petitioner orally submits that the case of the present petitioner stands on a better footing, as he was neither apprehended at the spot nor was any alleged recovery made from his possession.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is FIR named accused person and his name has been disclosed by the apprehended co-accused Jitendra Kumar @ Mrityunjay Kumar from whose possession the alleged recovery has been made. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of **Rs. 30,000/- (Rupees Thirty Thousand)** with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (N.D.P.S. Act) Court No. 1, Patna in connection with Alamganj P.S. Case No. 08 of 2026 bearing Special Case No. 62 of 2026, subject to

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following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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