

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74950 of 2025

Arising Out of PS. Case No.-244 Year-2025 Thana- KHAJANCHI HAT District- Purnia

Ram Kumar, S/O Late Nirala Bhagat, Resident of Vill.- Parashar, P.S-
Raniganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Bhagat, Advocate.
For the State : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with K.
Hat P.S. Case No. 244 of 2025 registered for the offences
punishable under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. As per allegation, 308.710 grams of smack has
been recovered from gear box of a car bearing Registration No.
BR-38L-7841 belonging to the petitioner who was also driving
the same carrying one traveller who is also a co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that co-accused Jyoti Kumari @ Komal
has been enlarged on regular bail by a co-ordinate Bench of this
Court vide order dated 19.11.2025 passed in Cr. Misc. 78825 of



2025. He also submits that charge has also been framed against the petitioner and the seizure has not been made in presence of independent witnesses and mandatory provisions of NDPS regarding search and seizure have not been followed.

5. He further submits that petitioner is in custody since 15.06.2025 i.e. for about 7 months.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the quantity of the recovered contraband is commercial as per the NDPS Act and the contraband has been recovered from the car which belongs to the petitioner and he owns the vehicle also. The Car was also being driven by the petitioner at the time of recovery of the contraband. Under such facts and circumstances, it would not be proper to enlarge the petitioner on bail. He also submits that compliance of rules/provisions regarding search and seizure would be looked into at the stage of trial and not at this stage.



9. Hence, rigour of Section 37 NDPS Act come into play and it is not possible for this Court to enlarge the petitioner on bail.

10. Accordingly, the prayer for bail of the petitioner stands rejected.

(Jitendra Kumar, J)

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