

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72734 of 2025

Arising Out of PS. Case No.-429 Year-2025 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Prakash Kumar Paswan @ Prakash Kumar @ Prakash Paswan S/O
Shivchandar Paswan @ Shivchandra Paswan R/O Vill.- Vasuchak @
Bashuchak, P.S.- Saraiya, Dist.- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
	:	Mr. Mukund Kumar, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 10-02-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 111 of the Bharatiya
Nyaya Sanhita, 2023, Section 25(1-B)a/26/35 of the Arms Act
and Section 8(c), 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, the allegation
against the petitioner is that 16 gram of smack was recovered
from his possession.

4. The learned counsel for the petitioner submits
that a false recovery of 16 gram of smack like substance has
been shown from Hero motorcycle of which the petitioner is



not the owner. It has further been submitted that the search and seizure has also been conducted in violation of Section 50 of the N.D.P.S. Act and the recovered quantity is a little over small quantity. Further, the petitioner is in custody since 19.05.2025 and the charge-sheet has been submitted and it has also been pointed out that other co-accused persons have been granted the privilege of regular bail by Co-ordinate benches of this Court vide order dated 03.12.2025 and 05.02.2026 passed in Cr. Misc. No.80755 of 2025 and Cr. Misc. No.484 of 2026 respectively.

5. Learned APP for the State opposed the bail petition.

6. Taking into consideration the facts and circumstances and considering the recovery of quantity which is just a little over small quantity, coupled with the fact that the co-accused persons have been granted privilege of regular bail by Co-ordinate benches of this Court, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court-II (N.D.P.S.), Muzaffarpur/concerned Court below in connection with N.D.P.S. Case No.95 of 2025 arising out of



Sadar P.S. Case No. 429 of 2025 subject to condition that:-

- (i) One of the bailors will be his family member or relatives.
- (ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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