IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81039 of 2026

CNR No. BRHC011084152026

Arising Out of PS. Case No.-798 Year-2026 Thana- MADHEPURA District- Madhepura

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Deepak Kumar son of Mohan Sah Resident of Village - Mathahi, Ward no. 06, Ps- Madhepura, Dist- Madhepura

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner, Mr. Sanjay Kumar Singh and Mr. Navin Kumar Pandey, learned APP on behalf of the State.

2. This is an application for grant of regular bail to the petitioner who has been made accused in connection with Madhepura P.S. Case No. 798 of 2026 registered for the offences punishable under Section 21(b) of the N.D.P.S. Act and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, there is a recovery of 8.19 grams of smacks packaged in small *puriyas*, a country made pistol without cartridge, cash of Rs. 1,87,350/-, electronic weighing machines, paper rolls and a mobile phone from the co-accused, Mannu Kumar. It is allegedly disclosed by Mannu

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Kumar that he along with the petitioner and others purchased smack from wholesale dealer, Anuj Kumar while his wife Priti Kumari sold it in small packets.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case out of ulterior motive of the local police. It is submitted that nothing incriminating neither narcotic substance, arms nor any cash has been recovered from the conscious possession of the petitioner. The petitioner is a next-door neighbor and had refused to sign as a seizure-list witness, after which police allegedly assaulted him and obtained his signature on plain paper and later projected it is a seizure list.

5. It is further stated that considering the FIR and statements of the co-accused, the petitioner may at most have purchased contraband for personal consumption. Further, the recovered smack is far below the commercial quantity. It is also stated that no independent witness have signed the seizure list.

6. The petitioner is languishing in judicial custody since 02.08.2026 and having clean antecedent. The Co-ordinate Bench of this Hon’ble Court have already granted bail to the co-accused, Priti Kumari vide order dated 30.09.2026 in Cr. Misc

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No. 70628 of 2026 and Sudhanshu Kumar vide order dated 15.10.2026 in Cr. Misc No. 74259 of 2026.

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

8. Considering the aforesaid facts, the quantity of contraband recovered, the clean antecedent of the petitioner, the period of custody, and that nothing incriminating has been recovered from the conscious possession of the petitioner, 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 Session Judge-cum-Special Judge N.D.P.S. Act, Madhepura in connection with Madhepura P.S. Case No. 798 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.

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(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)

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