IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76624 of 2026

CNR No. BRHC011094562026

Arising Out of PS. Case No.-319 Year-2026 Thana- RAXAUL District- East Champaran

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Shyambabu @ Shyambabu Sah S/o Bhagwan Sah @ Bhagwanlal Sah Resident of Village- Kaurihar Bhagwanpur, P.S.- Raxaul, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with NDPS GR Case No. 236 of 2026, arising out of Raxaul PS Case No. 319 of 2026 instituted for the offences under Sections 8(b), 21(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Prosecution allegation, in short, is that 5.78 gram smack like substance was recovered from the petitioner's possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the

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present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 10.07.2026 and has got three (3) criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS GR Case No. 236 of 2026, arising out of Raxaul PS Case No. 319 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

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(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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