IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76496 of 2026

CNR No. BRHC011100452026

Arising Out of PS. Case No.-329 Year-2026 Thana- PHULPARAS District- Madhubani

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Raja Sah @ Raja Babu Sah Son of Chulhai Sah R/o village - Bathanaha , P.s- Phulparas, District- Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Phulparas P.S. Case No. 329 of 2026 instituted for the offences under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that 38.85 grams Brown Sugar was recovered from the medical shop of co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 31.07.2026 and has got five criminal antecedents. No incriminating material has

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been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of 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. 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 and the recovered contraband below commercial quantity, 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 Phulparas P.S. Case No. 329 of 2026, subject to the following conditions:

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

(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.

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

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)

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