IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76520 of 2026

CNR No. BRHC011101262026

Arising Out of PS. Case No.-32 Year-2026 Thana- Sarai P.S. District- Siwan

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Shyam Babu @ Shyam Kumar @ Shyam Bihari Kumar @ Shyam Bihari Son of Rameshwar Prasad @ Rahi Patel Resident of village - Koirigawa, P.S.- Barahariya, District - Siwan.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arbind Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, 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. At the outset, learned counsel for the petitioner is permitted to make necessary correction/s in paragraph No.2 of the supplementary affidavit in course of the day.

3. The petitioner seeks bail in connection with NDPS Sarai PS Case No. 32 of 2026 instituted for the offences under Sections 8, 21(b) & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Prosecution allegation, in short, is that there is recovery of 32 grams smack from possession of two co-accused persons, who disclosed the name of the petitioner.

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5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the 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 25.08.2026 and has got ten (10) criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.05.2026, passed in Cr. Misc. No. 30781 of 2026.

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

7. 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.

8. 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

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below/concerned Court in connection with NDPS Sarai PS Case No. 32 of 2026, subject to the following condition/s:-

(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.

(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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