IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78273 of 2026

CNR No. BRHC011131002026

Arising Out of PS. Case No.-278 Year-2024 Thana- BIRPUR District- Supaul

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1. Bibas Ray @ Vibhash Ray @ Bibas S/o Raju Ray Resident of village - Gurugyochori Rampur, Police Station - Rampur, District - Udaypur (Nepal). (In FIR petitioner no. 1 and 2 are aged about 18 years old, but as per my information and knowledge petitioner no. 1 and 2 are aged about 22 years old, which is also mentioned in rejection order of the Learned Court below)
2. Ujjal Ray @ Ujjwal Ray S/o Raju Ray Resident of village - Gurugyochori Rampur, Police Station - Rampur, District - Udaypur (Nepal). (In FIR petitioner no. 1 and 2 are aged about 18 years old, but as per my information and knowledge petitioner no. 1 and 2 are aged about 22 years old, which is also mentioned in rejection order of the Learned Court below)

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arun, Adv.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. This is an application for regular bail to the petitioners who have been made accused in connection with Birpur P.S. Case No. 278 of 2024 registered for the offences punishable under Sections 21(b), 22(b) 25 and 29 of the NDPS Act.

3. As per the prosecution case, the present case has been instituted alleging that on 30.07.2024, upon receiving

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secret information regarding the smuggling of intoxicating contraband medicines, a raiding team reached the place of occurrence from where three suspicious persons were apprehended along with this petitioner. Upon search conducted in the presence of witnesses, 29 bottles of Eskuf syrup, 216 capsules of Spasmo-Proxyvon Plus and 220 capsules of Tramadol were recovered from the motorcycle, while 215 Tramadol capsules each i.e. total 430 capsules were recovered from the pockets of both petitioners. Accordingly, the contraband articles and motorcycle were seized, a seizure list was prepared and all three accused persons were arrested.

4. Learned counsel for the petitioners submits that petitioners are quite innocent, have committed no offence and have falsely been implicated in this case. It is submitted that only 215 Tramadol Hydrochloride capsules amounting to 21.5 gms have been allegedly recovered from petitioners' possession other contraband has been recovered from the motorcycle which was driven by the co-accused Raghunandan Mandal. The petitioners denied the ownership of the seized motorcycle, further, they have stated that they have no concern with the alleged contraband recovered.

5. It is submitted that there is a violation of mandatory

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provisions of NDPS Act as well as there is no local independent witness to the alleged occurrence. It is submitted that there is no direct or indirect contraband found linking these petitioners during investigation. The recovered quantity is much less than the commercial quantity, it is under intermediate quantity. Petitioners have no criminal antecedent. Moreover, they are languishing in judicial custody since 31.07.2024. The co-accused, namely, Rahunandan Mandal has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 13.05.2025 passed in Cr. Misc. No. 17553 of 2025.

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

7. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioners, period of custody as also taking into consideration the materials available on record, let the petitioners, namely, Bibas Ray and Ujjal Ray be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Supaul/concerned court in connection with Birpur P.S. Case No. 278 of 2024, subject to following conditions:-

(i) one of the bailors should be the family

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member/close relative of the petitioners.

(ii) the petitioners 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, they should physically appear in the court on that date.

(iii) if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

Abhishek/-

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