

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82465 of 2025

Arising Out of PS. Case No.-261 Year-2025 Thana- CHAUTHAM District- Khagaria

Rajesh Kumar S/o- Vishundeo Yadav R/v- Barhara Jarhi W.No-10, Ps-
Chautham Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 05-01-2026 Heard learned counsel for the petitioner and the
learned APP for the State.

2.The petitioner seeks bail in connection with
Chautham P.S. Case No. 261 of 2025 dated 27.09.2025
registered for the offences under Sections 8(c), 20(B) (ii)B, 29
of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case the informant received
a secret information that some persons were carrying Ganja. On
interception the accused/petitioner was apprehended. On search
total 2 Kgs. of Ganja was recovered from the dikky of the
motorcycle.

4. Learned counsel for the petitioner has submitted
that the petitioner has falsely been implicated in the case. No
such recovery was made from his conscious possession. It is
further submitted that the quantity recovered is an intermediate



quantity and therefore the rigors of Section 37 of the N.D.P.S. Act is not attracted in the present case. It has lastly been submitted that only one criminal case was against the petitioner, under Excise Act and in which the petitioner has been acquitted. It is next submitted that the petitioner is in custody since 28.09.2025.

5. Learned APP has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (NDPS Act) Khagaria in connection with Chautham P.S. Case No. 261 of 2025 subject to the following terms and conditions:

(i) One of the bailors will be a close relative of the petitioner;

(ii) the petitioner will remain present on each and every date fixed, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;



(iv) the trial court shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) the petitioner is directed to appear before the SSP, Siwan fortnightly to mark his attendance.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

krishna/-

U		T	
---	--	---	--

