**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.81679 of 2026**

**CNR No. BRHC011192042026**

Arising Out of PS. Case No.-418 Year-2026 Thana- PURNEA SADAR District- Purnia

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BRAJKISHOR KUMAR Son of Late Sakhichand Thakur @ Sakhichandra Thakur Resident of Kuwari, Ward No. 7, P.S.- Bathnaha, District - Sitamarhi.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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**CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH**

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. This is an application for regular bail to the petitioner who has been made accused in connection with Purnea Sadar P.S. Case No. 418 of 2026 registered for the offences punishable under Sections 8(c), 21(c) & 29 of the NDPS Act.

3. As per the prosecution case, on 26.08.2026, the informant received secret information regarding transportation of smack by three persons on a red-black Pulsar motorcycle. Accordingly, a raiding team was constituted and during vehicle checking three persons, namely, Nishal Kumar, Sunny Kumar and Subhan Sheikh were apprehended. Upon search, 206 grams

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of smack was allegedly recovered from Nishal Kumar, 100 grams from Sunny Kumar and 100 grams along with Rs.40,000/- cash from Subhan Sheikh all totaling 406 gms of smack. They disclosed that the home guards posted at Dalkola Check Post including this petitioner, helped these persons in supplying and facilitating the transportation of smack in lieu of money, and they further alleged that Rs.70,000/- was paid to them.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. No contraband or prohibited substance has been recovered either from the conscious possession of this petitioner or at his place. The name of the petitioner has surfaced in this case on the basis of the disclosure made by the co-accused which has no evidentiary value in the eye of the law. Petitioner has clean antecedent and is languishing in judicial custody since 27.08.2026. Investigation has been completed and charge-sheet has already been filed.

5. It is submitted that the petitioner no concern with the group of suppliers of contraband or prohibited substance like smack in any manner whatsoever. Moreover, regarding the allegations against the petitioner of receiving of Rs. 70,000/-

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from the co-accused persons, there is no recovery of any alleged amount from the possession of the petitioner which itself falsifies the allegation made by the accused. The petitioner being a Constable was deployed at Dalkola Check Post along with other Constables and used to pass out the contraband or prohibited substance from the Check Post after taking money.

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

7. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the fact that there is no recovery of any alleged amount or contraband from the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Purnea/concerned court in connection with Purnea Sadar P.S. Case No. 418 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner 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

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physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers 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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