

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83367 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- BAIRIYA District- West Champaran

Pankaj Singh S/o Shivjee Singh R/o Mohalla - Bhaiya Phulwariya, P.S.-
Bhalubani, Distt.- Devariya, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar. Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 06-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in connection with Bairiya P.S. Case No. 167 of 2024 instituted for the offence under Sections 8/20(b)(ii)(c) of the N.D.P.S. Act and Sections 310(4) and 310(5) of B.N.S. and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The case of the prosecution is that from the bike of the petitioner, altogether 1.362 kg of *charas* like narcotic substance was recovered from the utility box of the bike.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He further submitted that in this case, police has not followed Section 50 and 52 of the N.D.P.S. Act and that nothing has been recovered from the conscious possession of the petitioner as from the case of the



prosecution, it is clear that at the time of seizure, the petitioner was not on bike and it is alleged that he along with others was having conversation with each other at that time, the raid was made. The bike was parked there. He has further submitted that though the bike is of this petitioner but the contraband does not belong to him. Moreover, he is languishing in judicial custody since 02.05.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that from the possession of this petitioner, altogether 1.362 kg of charas like narcotic substance was recovered and from perusal the diary, it is also clear that the FSL report regarding the seized material is received before filing of the charge sheet.

6. Having heard the learned counsel for the parties and considering the facts and circumstances of this case as stated above, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

7. However, the petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

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