

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83830 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- BETTIAH CITY District- West
Champaran

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Om Prakash Kumar @ Raja Kumar Son of Bharat Prasad R/o Village -
Baswariya, P.S. - Bettah Town, Dist - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Advocate Mr. Rajeev Ranjan, Advocate Mr. Abhinav Anand, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. Petitioner, who is in custody, seeks bail in connection with Bettiah Town P.S. Case No. 19 of 2025 registered for the offences punishable under Sections 318(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case, a recovery of 950 gm of Charas was made from the boot space of Tata Punch Car and three persons, namely, Md. Azam, Arin Abbas @ Akib Abbas and Farhan Alam were arrested and they disclosed the name of the fourth person to be Pradeep Prasad @ Pradip Srivastava,



who had fled away.

4. Learned counsel for the petitioner submits that he is not named in the FIR and during course of investigation, from the CDR of one co-accused, the name of the petitioner has surfaced, though there has been no allegation of any overt act against the petitioner. It has been submitted that it was merely on suspicion that the petitioner had talked on phone with one of the co-accused, namely, Mohd. Kesar that he has been implicated in this case, however, he has no concern whatsoever with the said incident. It has, though, been submitted that the petitioner has four criminal antecedents against his name and he is on bail in all the said cases. He is in custody since 12.10.2025 in the present case. It has been submitted that co-accused person, namely, Pradeep Prasad @ Pradip Srivastava has been enlarged on bail by a learned Co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 70110 of 2025 vide order dated 17.12.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bettiah Town P.S. Case No. 19 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below 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 court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before



the Superintendent of Police, Bettiah, West Champaran within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned, order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

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

(Sourendra Pandey, J)

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