

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88114 of 2025**

Arising Out of PS. Case No.-142 Year-2025 Thana- AURAI District- Muzaffarpur

Disu Kumar @ Rishu Kumar @ Dishu Kumar Son of Mithilesh Rai @
Mithalesh Rai Resident of village- Aurai, Ps- Aurai, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate Mr. Purushottam Kumar, Advocate
For the Opposite Party/s	:	Ms. Renu Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-02-2026 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Aurai
P.S. Case No. 142 of 2025 instituted for the offences under
Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act and Section 317(2)
of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that on receipt of
secret information, police conducted a raid and recovered
63.158 kg ganja from the spot; on seeing police, several persons
fled and two accused were apprehended, who disclosed the
names of others including the petitioner.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case. Petitioner is in custody since 03.10.2025 and has two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner rather the recovery has been made from the other co-accused persons who were apprehended on the spot. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Bench vide order dated 21.01.2026 passed in Cr. Misc. No. 2431 of 2026. Learned counsel further submitted that petitioner has no knowledge and concern with the alleged recovery. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no recovery of contraband from the possession of the petitioner as also the period of custody undergone by him, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of



Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurai P.S. Case No. 142 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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