

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89290 of 2025

Arising Out of PS. Case No.-435 Year-2025 Thana- PURNEA SADAR District- Purnia

Raj Kumar Bishwas @ Raj Kumar Vishwas Son of Manoj Bishwas Resident
of Village - Champanagar, P.S.- Champanagar, District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Dheeraj Kumar, Adv. Mr. Rabindra Kumar Priyadarshi, Adv.
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Special
(N.D.P.S. Act) Case No. 263 of 2025 arising out of Sadar P.S.
Case No. 435 of 2025 registered for the offences punishable
under Sections 8(c), 21(b)(c) of N.D.P.S. Act.

3. As per prosecution case, three persons including the
petitioner were apprehended by the police and on search, 102.70
gram smack and mobile was recovered from possession of co-
accused Rachak Kumar. It is further alleged that 102.54 gram
smack, mobile and Scooty bearing Registration No. BR11AM-
0489 was recovered from co-accused Vikash Kumar and one
screen touch mobile was recovered from possession of the



petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel orally submits that petitioner had taken lift from the apprehended co-accused persons and he had no knowledge that apprehended co-accused persons were carrying Smack. Seized scooty does not belong to the petitioner. He further submits that no incriminating article has been recovered from possession of the petitioner. In this way, petitioner is not in any way connected with the alleged occurrence. Petitioner is in custody since 08.09.2025 and bears criminal antecedent of one case which is not similar to the present case and in the said case, petitioner is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that as per NDPS notification, alleged recovery is less than commercial quantity.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is alleged recovery of total 205.24 gram of smack from possession



of co-accused persons and petitioner seems to be associate of co-accused persons and hence, he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Purnea in connection with Sadar P.S. Case No. 435 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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