

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89361 of 2025

Arising Out of PS. Case No.-698 Year-2025 Thana- AHIYAPUR District- Muzaffarpur

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Rohan Kumar S/O Sanjay Ray R/O Vill.- Chakmohabbat, P.S.- Ahiyapur,
Dist.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Adv.

For the State : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-01-2026 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in para-3 of the bail petition during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 698 of 2025 registered for the offences punishable under Sections 317(4) BNS and Section 8(c), 21(B) of the NDPS Act.

4. As per prosecution case, petitioner was apprehended by the police and on search, gold like chain



weighing 13.02 gram, gold like mangalsutra weighing 26.46 gram and total 6 gram smack like substance were recovered from possession of the petitioner.

5. 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. Petitioner is in custody since 24.05.2025. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no compliance of Section 50 of the NDPS Act which vitiates the entire prosecution story. He further submits that alleged recovery of 6 gram smack like substance from possession of the petitioner is much less than commercial quantity. Seizure list has not been made as per mandatory provision of law which questions the authenticity of the prosecution story. Apart from that, petitioner bears two criminal antecedent which are not similar to the present case, as mentioned in para 3 of the bail petition.

6. 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 6 gram smack like substance, gold like chain and mangalsutra from possession of the petitioner and he



cannot escape from the allegation made in the FIR.

7. 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 Exclusive Special Court-1 (NDPS), Muzaffarpur in connection with Ahiyapur P.S. Case No. 698 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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