

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1478 of 2026

Arising Out of PS. Case No.-141 Year-2023 Thana- GOPALPUR District- Patna

=====

Rajnish Kumar @ Guddu Son of Sri Valishtar Ray @ Barishtar Ray R/O
Village- Vishanpur Saidali, Maniarpur, P.S.- Raghapur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-01-2026 Heard Mr. Anil Kumar Sinha, learned counsel for

the petitioner and Mr. Lalan Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.08.2025 in connection with Gopalpur P.S. Case No. 141 of
2023, F.I.R. dated 04.03.2023 for the offences punishable under
Sections 20(ii)(B) of the N.D.P.S. Act.

3. Recovery is of 5.800 kg of Ganja.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. The allegation as alleged in the F.I.R is false and
fabricated and the petitioner has not committed any offence as
alleged in the F.I.R. He further submits that it appears from the
F.I.R. as well as seizure list that 5.800 kg Ganja has been



recovered from the house of the co-accused, namely, Dharmendra Kumar @ Langda and nothing has been recovered from the conscious possession of the petitioner and he has been made accused merely on the ground that co-accused Dharmendra Kumar @ Langda has confessed that he has purchased the said contraband from the petitioner and other accused persons and the said Dharmendra Kumar @ Langda has been granted bail by this Court vide order dated 20.09.2023 passed in Cr. Misc. No. 61183 of 2023. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.08.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R but fairly submits that the recovery has been made from the possession of co-accused person and the recovered contraband is less than the commercial quantity. Apart from the aforesaid, the petitioner



carries one criminal antecedent other than the present one but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances that the recovered contraband is less than the commercial quantity and the co-accused has been granted bail by this Court, 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 ADJ-XII, Patna in connection with Gopalpur P.S. Case No. 141 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

