

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1390 of 2026

Arising Out of PS. Case No.-116 Year-2025 Thana- SIKTA District- West Champaran

Rupesh Kumar S/o Subodh Kushwaha Resident of Village- Patkhauli, P.S.-
Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 02-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Sikta P.S. Case No. 116 of 2025 registered for the offence punishable under Sections 8, 20(b)(ii)(C), 23(c) and 29 of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that from a bike, altogether 19.273 kg of *charas* like contraband was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that there were two persons on the bike, and they were identified as Baijnath Kumar, aged about 28



years, and the petitioner, aged about 18 years, and Baijnath has disclosed that beneath the seat of the bike the contraband is kept and they are coming from the side of Nepal. He also submits that the age of petitioner is about 18 years old and he was unaware of the fact that the bike on which he was riding was loaded with contraband. He further submits that from perusal of the FSL report, it will transpire that the samples were sent to the FSL, Muzaffarpur, on 22.08.2025, whereas the occurrence is of 11.08.2025.

5. The learned counsel for the petitioner has relied on an order of Hon'ble Apex Court in S.L.P Cr. No. 7089 of 2025 wherein their lordship of the Supreme Court has held that:-

“the argument is that the petitioners were arrested on 28.03.2023 and that they have been in jail for more than two years and ten months. The sample was sent to the Forensic science laboratory (FSL) after 21 days for which there is no appropriate explanation and the petitioners were directed to enlarged on bail”

6. The prayer of the learned counsel for the petitioner is two fold; first is that there has been delay in sending the exhibits to FSL and that the petitioner was unaware of the fact that the bike on which he was riding was loaded with



contraband. Be it as may be, it is a case under which 19 kg of *Asish* has been recovered from the bike on which the petitioner was also a pillion rider. It has also been brought to the notice of the court that till today, chargeheet has not been submitted. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 12.08.2025.

7. The application for bail is opposed by learned APP for the State and submitted that this petitioner along with other co-accused person namely, Baijnath were riding on motorcycle bearing registration no. BR09E2293 and were apprehended on the spot with 19.273 kg of *Charas* kept in 41 packets. Both the petitioner and co-accused person were carrying the aforesaid incriminating articles which was used by them in smuggling of the same. The alleged recovery of *charas* was above the commercial quantity. It is hard to believe that petitioner being pillion rider on the aforesaid motorcycle had got no knowledge about the carrying of alleged incriminating articles and as such, petitioner was involved in the alleged occurrence and was apprehended on the spot with aforesaid articles, his prayer for regular bail is fit to be dismissed.

8. Having heard learned counsel for the parties and



considering the facts and circumstances of the case, conduct of the petitioner, materials available on record and other circumstances of the case, this Court is not inclined to enlarge the petitioner on bail at this stage, however he may renew his prayer for bail after the charge-sheets are filed.

(Ashok Kumar Pandey, J)

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