

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90493 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- KHAGARIA RAIL P.S. District- Khagaria

Rajkumar S/O Ramjatan Yadav R/O Village- Ahok Ghat, Ward No. 12, P.S-
Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate
	:	Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2026 Heard Mr. Jitendra Kumar, learned counsel for the
petitioner and Mr.Bhanu Pratap Singh, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
19.08.2025 in connection with NDPS Special Case No. 22 of
2025 arising out of Khagaria Rail P.S.Case No.43/2025, F.I.R.
dated 18.08.2025 registered for the offence punishable under
Sections 8,20(b)(ii)(B) of NDPS Act, 1985.

3. Recovery is of 08 Kg of Ganja.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. As per
allegation in the FIR, the petitioner was apprehended with 08
Kg of Ganja which was recovered from the bag of the petitioner.



Learned counsel for the petitioner submits that although recovery has been made from possession of the petitioner but there is non-compliance of Section 50 of the NDPS Act and apart from 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 and the seizure list witnesses are police personnel so also there is non-compliance of Sections 103 and 105 of the BNSS, 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.08.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, recovered contraband is less than the commercial quantity, there is non-compliance of Section 50 of the NDPS Act as well as there is non-compliance of Sections 103 and 105 of the BNSS, 2023, 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 learned Special Judge (NDPS Act), Khagaria in connection with NDPS Special Case No. 22 of 2025 arising out of Khagaria Rail P.S.Case No.43/2025, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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