

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1124 of 2026

Arising Out of PS. Case No.-202 Year-2025 Thana- Kharagpur District- Munger

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Bibhash Kumar @ Viviya @ Vivi @ Bibhash Kumar Yadav S/O Late
Rajendra Yadav @ Rajendra Prasad Yadav Resident of West Azimganj via
Ram Toli, P.S.- Kharagpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jainandra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-03-2026 Heard Mr. Jainandra Kumar, learned counsel for the

petitioner and Mr. Pranav Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
08.09.2025 in connection with NDPS Case No. 09/2025, arising
out of Kharagpur P.S. Case No. 202 of 2025, F.I.R. dated
08.09.2025 for the offences punishable under Sections 8(c) and
21(b) of the N.D.P.S. Act and Section 7 of the Lotteries Act,
1998.

3. According to prosecution case, recovery is of 28
gms. of smack.

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 FIR is false and



fabricated and the petitioner has not committed any offence as alleged in the FIR. It appears from the FIR/seizure list that altogether 101 puriya of Smack (28 gms.) was recovered from possession of petitioner and other co-accused persons. learned counsel further submits 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 to enlarge the petitioner on bail and similarly situated co-accused person, namely, Anand Saw has been granted regular bail by this Court vide order dated 09.01.2026 passed in Cr. Misc. No. 3226 of 2026, co-accused person, namely, Abhishek Kumar, has been granted regular bail by this Court vide order dated 24.12.2025 passed in Cr. Misc. No. 3570 of 2026 and co-accused person, namely, Mohit Anand has been granted regular bail by a coordinate Bench of this Hon'ble Court vide order dated 09.01.2026 passed in Cr. Misc. No. 6167 of 2026. He further submits that the Police, after investigation submitted the charge-sheet against the petitioner and the petitioner is in judicial custody since 08.09.2025.

5. Learned APP for the State has on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the contraband is recovered from possession of the petitioner and apart from the aforesaid, petitioner carries ten



more cases other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances and also the fact that recovered contraband is less than commercial quantity and similarly situated co-accused persons have been granted regular bail by this Court and also by a coordinate Bench of this Hon'ble 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 Special Judge, NDPS Act, Munger, in connection with NDPS Case No. 09/2025, arising out of Kharagpur P.S. Case No. 202 of 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 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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