

IN THE EXCLUSIVE SPECIAL (N.D.P.S. ACT) COURT No. -1, PATNA
Bail Application No. 1893 of 2026

**Babua @ Jitendra Paswan @ Radhe @
Jitendra Paswan**

Petitioner

Versus

The State of Bihar

Opposite Party

O R D E R

31.08.2026

The present regular bail application has been filed on behalf of petitioner namely, **Babua @ Jitendra Paswan @ Radhe @ Jitendra Paswan**, who is in custody since 10.07.2026 in connection with Special (N.D.P.S.) Case No. 346 of 2026 Supplementary Spl. (NDPS) Case No. 62 of 2026 arising out of Alamganj P.S. case no. 08 of 2026 u/s 8(c)/21(b)/22/29 of NDPS Act.

The case of prosecution as per typed application of the informant, in brief, is that on 04.01.2026 at about 13.05 hours the informant along with other police personnel proceeded from police station to raid against wanted criminals. During that course the informant got secret information that a person is selling Smack in the premises of Mahabir Temple near Arfabad canal and concealing a large quantity of Smack with himself. On this information the informant along with other Officers reached there. On seeing the police party the said person started fleeing away but they chased and apprehended him with the support of the police party. On interrogation the apprehended person disclosed his name as Jitendra Kumar @ Mritunjay Kumar. On search 63 sachets total 29.30 gram Smack including plastic and Rs. 4050/- cash were recovered from the possession of the apprehended person. The apprehended person further disclosed that the said Smack has been given by one Babua @ Jitendra Paswan (petitioner) for selling on consideration amount of Rs. 900. Thereafter the informant seized the recovered articles after preparing seizure list in accordance with law in presence of two witnesses and both witnesses have put their signature on the seizure list and a copy of same served to the apprehended person and arrested him.

The learned counsel for the petitioner has submitted that the petitioner is quite innocent and has committed no offence as alleged in the F.I.R. and has falsely been implicated in this case. It has been submitted that the petitioner had earlier filed Cr. Misc. No. 39885 of 2026 for anticipatory bail which has been rejected vide order dated 29.06.2026 by the Hon'ble High Court, Patna and thereafter the petitioner has neither moved any anticipatory bail nor regular bail petition either before the Hon'ble High Court or before this Court. It has been submitted that the petitioner is also an accused in five other cases like **1. Alamganj P.S. Case No. 534 of 2021 registered U/s 302/120B/34 I.P.C., 2. Alamganj P.S. Case No. 105 of 2019 registered U/s 392/411 I.P.C., 3. Alamganj**

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THE EXCLUSIVE SPECIAL JUDGE (N.D.P.S. ACT) COURT No. -1, PATNA
Spl. N.D.P.S. Case No. 1893 of 2026

31.08.2026 **P.S. Case No. 38 of 2021 registered U/s 441/448/385/34 I.P.C., U/s 27 Arms Act and 37 (c) of Bihar Prohibition & Excise Act, 4. Alamganj P.S. Case No. 391 of 2023 registered U/s 341/323/504/506/354/34 I.P.C. and 5. Alamganj P.S. Case No. 325 of 2024 registered U/s 328/302/34 I.P.C.** It has further been submitted during the course of argument that the petitioner is a driver and his name has come up in this case on the basis of confessional statement of co-accused Jitendra Kumar. Nothing incriminating article has been recovered from the conscious possession of the petitioner rather seized Smack has been recovered from the possession of co-accused Jitendra Kumar. The petitioner has no concern with the co-accused Jitendra Kumar. He further submitted that there are no compliance of Section 103 B.N.S.S. because both the seizure list witnesses are police personnel, hence seizure list lost its credibility. He further submitted that the alleged sections are not attracted against the petitioner because he has not committed such type of offence rather there is general and vague allegation against him. It has also been submitted that the petitioner is in custody since 10.07.2026 and is ready to abide by the terms and condition of bail. Hence prayed to enlarge the petitioner on bail.

Per contra, the learned Spl. P.P has vehemently opposed the prayer of bail and submitted that there is serious allegation against the petitioner and the petitioner is named in the F.I.R. He further submitted that the petitioner is the supplier of the Smack and the petitioner has criminal antecedents of five other serious cases, therefore, he does not deserve bail.

Heard both sides and perused the record as well as case diary. After considering the facts and circumstances of the case as the petitioner is named in the F.I.R. and the allegation against him is that he is said to be the supplier of Smack and total 29.30 gram Smack (with plastic) has been recovered from the possession of the co-accused, who disclosed that petitioner has given him the said Smack for selling on consideration of Rs. 900/-. The prosecution witnesses have stated regarding the allegations in para no. 3, 4, 5, 6, 7 and 22 of the case diary. Allegation levelled against the petitioner is very serious and grave in nature. The petitioner has criminal antecedent of five other cases as mentioned in para 03 of the bail petition like **1. Alamganj P.S. Case No. 534 of 2021 registered U/s 302/120B/34 I.P.C., 2. Alamganj P.S. Case No. 105 of 2019 registered U/s 392/411 I.P.C., 3. Alamganj P.S. Case No. 38 of**

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THE EXCLUSIVE SPECIAL JUDGE (N.D.P.S. ACT) COURT No. -1, PATNA
Spl. N.D.P.S. Case No. 1893 of 2026

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2021 registered U/s 441/448/385/34 I.P.C., U/s 27 Arms Act and 37 (c) of Bihar Prohibition & Excise Act, 4. Alamganj P.S. Case No. 391 of 2023 registered U/s 341/323/504/506/354/34 I.P.C. and 5. Alamganj P.S. Case No. 325 of 2024 registered U/s 328/302/34 I.P.C. The Cognizance of offences U/s 21(b)/29 of NDPS Act has been taken against the petitioner.

Keeping in view the submission of the learned counsels for the parties and facts and circumstances discussed here in above and also looking into nature of the allegation as well as quantum of recovery, the prayer of regular bail of the petitioner namely **Babua @ Jitendra Paswan @ Radhe @ Jitendra Paswan**, is hereby **rejected**.

(Dictated)

Sd/-

(Prashant Kumar)

Exclusive Special Judge (NDPS ACT)
COURT No. -1, PATNA.

Date of Judgement/Order	31.08.2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	03.09.2026
Uploaded by	Ramesh/-

