

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.764 of 2026

Arising Out of PS. Case No.-108 Year-2025 Thana- Bathnaha District- Araria

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Rahul Kumar Mandal @ Rahul Kr. Mandal Son of Amar Nath Mandal
Resident Of Village- Amhara Ward No 07, Police Station- Forbesganj,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-02-2026 Heard learned counsel for the petitioner and learned

APP for the State. Case diary called by co-ordinate Bench of

this Court has been received although F.S.L. report has not been

received.

2. The petitioner seeks bail in Bathnaha P.S. case No.

108 of 2025 instituted for the offences under Sections 8(c) and

21(B) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that in a search

made by the police, 50 grams of smack has been recovered from

the co-accused.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. The petitioner is in custody since 13.11.2025 and



has got three criminal antecedents. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The recovery is made from the possession of co-accused. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Co-accused from whose possession smack was recovered, has been granted bail by this Bench vide order dated 28.01.2026 passed in Cr. Misc. No. 5820 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the recovered contraband below commercial quantity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bathnaha P.S. case No. 108 of 2025 subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

(V) Petitioner shall not leave the territorial jurisdiction of the learned Court below without taking prior permission of the Court concerned.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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