

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2386 of 2026

Arising Out of PS. Case No.-88 Year-2025 Thana- RAUTARA District- Katihar

Rakesh Kumar Mahto @ Rakesh Kr. Mahto S/o Ashok Kumar Mahto R/o-
Musapur, P.S.- Korha, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewanand Tiwari, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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

ORAL ORDER

2 06-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in N.D.P.S. Case No. 88 of 2025, arising out of G.R. No. 3244/2025, Rautara P.S. case No. 88 of 2025 instituted for the offences under Sections 8(c), 21(c), 22(c) and 29 of N.D.P.S. Act.

3. Prosecution allegation, in short, is that on a search made by the police total 1.424 kg smack was recovered out of which 515.31 gram smack was recovered from the petitioner.

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 11.06.2025 and has got no criminal antecedent. Charge-sheet has been



submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits charge-sheet has been submitted without F.S.L. report. No incriminating material has been recovered from the conscious possession of the petitioner. There is no compliance of Sections 42 and 50 of N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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