

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12408 of 2026**

Arising Out of PS. Case No.-1268 Year-2025 Thana- NAGAR District- Vaishali

Rudal Kumar S/o Umesh Rai R/o village - Rustampur, Ward no - 15, P. S -
Raghopur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

ORAL ORDER

2 23-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
Town (Nagar) P.S. Case No. 1268 of 2025, instituted for the
offences punishable under Sections 8(c), 21(b), 22 and 29 of the
NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 65.870 gram of smack in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner has got no concern
with the alleged recovery of smack. It is next submitted that the
petitioner has been arrested only on the basis of suspicion. 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. The petitioner is in custody since 16.10.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submitted that other co-accused has been granted regular bail by this Court vide order dated 20.01.2026 passed in Cr. Misc. No. 91818 of 2025.

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 recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hajipur Town (Nagar) P.S. Case No. 1268 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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