

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20916 of 2026

Arising Out of PS. Case No.-359 Year-2025 Thana- BANMANKHI District- Purnia

Rahul Ray @ Rahul Kumar Ray S/o Late Ram Sevak Ray R/o Village -
Maeveshi Hat, Ward no. 13, Banmankhi, P.S. - Banmankhi, Dist. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-03-2026 Heard Mr. Bipin Kumar, learned counsel for the

petitioner and Mr. Mithlesh Kumar Khare, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.12.2025 in connection with Special Case No. 18 of 2026
arising out of Banmankhi P.S. Case No. 359 of 2025, F.I.R.
dated 02.12.2025 for the offences punishable under Sections
8(C) and 21(b) of the N.D.P.S. Act.

3. According to prosecution case, 10.5 grams of
smack like substance including the packet was recovered from
the possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent 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. He further submits that it appears from the FIR as well as seizure list that altogether 10.5 grams of smack like substance has been recovered from the possession of the petitioner including the paper. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and Section 103/105 of the BNSS, 2023 and it appears that the recovered contraband is more than the small quantity but less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. The petitioner is in custody since 03.12.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, the recovered contraband is less than the commercial quantity and there is non-compliance of Section 50 of the NDPS Act as well as Section 103/105 of the BNSS, 2023, 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,



Purnea in connection with Special Case No. 18 of 2026 arising out of Banmankhi P.S. Case No. 359 of 2025, subject to 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 his absence on two consecutive dates without sufficient reason, his 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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