

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20487 of 2026

Arising Out of PS. Case No.-61 Year-2026 Thana- RUPASPUR District- Patna

Ashok Kumar Son of Naresh Prasad R/o South Panchayat Simariya Bind Toli,
P.S.- Chakiya, Dist.- Begusarai, A/p near Patliputra Station, P.S.- Rupaspur,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-03-2026 Heard Mr.Ram Jiban Pd Singh, learned counsel

for the petitioner and Mr.Ram Anurag Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody
since 31.01.2026 in connection with Rupaspur P.S. Case
No. 61 of 2026, F.I.R. dated 30.01.2026 registered for the
offence punishable under Sections 8(c)/21(b) of NDPS Act.

3. Allegation against the petitioner is that 30
sachet smack weighing 11 Grams of smack has been
recovered from possession of petitioner Ashok Kumar and
36 sachet smack weighing 13 Grams of smack has been
recovered from possession of co-accused person, namely,



Ajay Kumar respectively, totaling 24 Grams.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. 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 11 Grams of Smack like substance has been recovered from possession of petitioner Ashok Kumar and 13 Grams of Smack like substance has been recovered from possession of co-accused person, namely, Ajay Kumar respectively, totaling 24 Grams. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the NDPS Act and there is also non-compliance of Section 103 of BNSS,2023 and the recovered contraband is 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 and the petitioner is in custody since 31.01.2026.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 and Section 103 of 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 learned Sessions Judge/Special Judge (NDPS), Patna in connection with Rupaspur P.S. Case No. 61 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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