

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32587 of 2026

Arising Out of PS. Case No.-2138 Year-2025 Thana- PHULWARISHARIF District- Patna

Vikash Kumar S/O Virendra Mahto Resident Of Village Kumhar Toli, Utari,
Sangat, Ps Phulwari Sharif, Dist Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union of India through the Director N.D.P.S Act India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 8(c) and 21(b) of the
N.D.P.S. Act.

3. As per the prosecution case, 9.23 gram of smack
was recovered from the pocket of the petitioner.

4. Learned counsel for the petitioner submits that
the petitioner has been falsely implicated in the present case
showing a recovery of 9.23 grams of smack from his pocket,
however, there is no independent witness to search and seizure
and the mandatory provisions of the N.D.P.S. Act have also not
been complied with. It is further submitted that the amount of



recovery is a little over small quantity, but much less than commercial quantity. Further, the petitioner is in custody since 30.12.2025 and the charges have already been framed on 30.03.2026, however, no witness has been examined till date. It is thus, submitted that there is no likelihood of conclusion of trial in near future.

5. Learned APP for the State opposed the grant of bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and also considering the quantity of recovery of the contraband, coupled with the fact that charges have already been framed and the petitioner undertakes to cooperate in the trial, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (NDPS Act) Court No.1, Patna /concerned Court below in connection with Special N.D.P.S. Case No.51 of 2026 arising out of Phulwarisharif P.S. Case No. 2138 of 2025 subject to condition that:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister.



(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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