

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36395 of 2026

Arising Out of PS. Case No.-413 Year-2025 Thana- RAJAPAKAR District- Vaishali

Mahendra Rai @ Mahendra Kumar S/O Bhukhal Rai Resident of Village
-Bidupur Dih, P.S- Bidupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 15-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Rajapakar P.S. Case No.413 of 2025 registered for the offence punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. The case of the prosecution, in short, is that from the possession of one Shyambalak Kumar, altogether 12.65 gm of *smack* was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that the name of this petitioner has surfaced in the confessional statement of Shyambalak. It has been submitted that Shyambalak has stated that he has purchased the contraband from this petitioner. Learned counsel for the petitioner has submitted that nothing has been recovered



from the possession of this petitioner. It has further been submitted that the statement of the co-accused made before the police even in the NDPS cases is not admissible in view of the judgment of the Hon'ble Apex Court in the case of ***Tofan Singh Vs. State of Tamil Nadu***. It has further been submitted that the petitioner has been framed in this case only on the basis of his antecedents. It has been submitted that the petitioner is in judicial custody since 12.03.2026.

5. The application for bail is opposed by learned APP for the State. It has been submitted that the petitioner is having criminal antecedent of four cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with the following conditions:-

(i) the petitioner shall co-operate in the trial;

(ii) the petitioner shall remain physically present on each and every date;

(iii) and shall not indulge in similar nature of offences in future.

7. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten



thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Sessions-cum-Special Judge, NDPS Act, Vaishali in connection with Rajapakar P.S. Case No.413 of 2025.

(Ashok Kumar Pandey, J)

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