

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43418 of 2026**

Arising Out of PS. Case No.-57 Year-2026 Thana- NADI P.S. District- Patna

Vikash Kumar S/o Late Om Saw R/o Village - Sabalpur, P.S - Nadi, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashish, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      07-07-2026                      Heard Mr.Ashish, learned counsel for the petitioner  
and Mr.Ajit Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 15.02.2026 in connection with NDPS Case No. 124 of 2026, arising out of Nadi P.S.Case No. 57/2026, F.I.R. dated 14.02.2026 registered for the offence punishable under Sections 8/20(b)(ii)A and 8(c) 21(b) of N.D.P.S.Act.

3. Recovery is of 14.82 Gm of Smack and 26.22 Gm of Ganja.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He further submits that it appears from the FIR that 14.82 Gm of Smack and 26.22 Gm of Ganja has been recovered from possession of the petitioner. Learned counsel for the petitioner submits that



without sending the same to the F.S.L., the prosecution has not stated that the recovered article is contraband, apart from that, 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 there is non-compliance of the mandatory provisions of the NDPS Act and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2026.

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, recovered contraband is less than the commercial quantity and there is non-compliance of the mandatory provisions of the NDPS Act, 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 Exclusive Special Judge (NDPS Act) Court No.-1, Patna in connection with NDPS Case No. 124 of 2026, arising out of Nadi P.S. Case No. 57/2026, 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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