

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45165 of 2026

Arising Out of PS. Case No.-287 Year-2026 Thana- RUPASPUR District- Patna

Samir Kumar S/O Umesh Bind R/O Vill.- Kusumbha, Shekhapura, P.S.-
Sheikhapura, Dist.- Patna, At Present Digha Khagaul Nahar Road, P.S.-
Rupaspur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Rupaspur PS Case No. 287 of 2026 instituted for the offences
under Sections 8(c) and 21(b) of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

3. Prosecution allegation, in short, is that there is
recovery of 35 gram smack along with cash of Rs. 16,890/-
from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 23.04.2026 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, charge sheet being submitted, recovery of contraband below commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rupaspur PS Case No. 287 of 2026.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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