IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53300 of 2026

CNR No. BRHC010747662026

Arising Out of PS. Case No.-93 Year-2026 Thana- MOHANPUR District- Samastipur

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Binod Rai @ Vinod Ray S/O Late Jugeshwar Rai R/V- Mohanpur, PS- Mohanpur, Dist- Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raja Ram Mishra, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

5 18-11-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Mohanpur P.S. Case No. 93 of 2026, registered for the offences punishable under Sections 21(b) and 22(b) of the NDPS Act.

3. Allegedly, on 20.05.2026, acting on secret information regarding the illegal sale of narcotic substances at a tea shop situated at Patharghat, village Mohanpur, the informant, along with the police force and the Block Development Officer, conducted a raid and apprehended the

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petitioner, Binod Rai, and co-accused Bablu Kumar. Upon search, 72 capsule-shaped containers weighing total 28.800 grams of *Kota* was allegedly recovered from the right pocket of the petitioner's half-pant, along with a smartphone and Rs. 25,000/- whereas, 8 similar containers weighing 3.200 grams were allegedly recovered from the possession of the co-accused.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from conscious possession of the petitioner. He has further submitted that *Kota* is a mixture of heroin and smack of which, the small quantity is 5 grams and the commercial quantity is 250 grams. In the present case, 28.800 grams of the alleged contraband has been recovered, which falls within the intermediate quantity. He has also submitted that during the course of investigation, not a single independent witness came forward to support the prosecution case. It has further been submitted that the petitioner has been implicated in the present case due to the high-handedness of the local police. The learned counsel

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has next submitted that the provisions of Section 50 of the NDPS Act and Section 103 of the BNSS have not been complied with. He has also submitted that the charge sheet has already been submitted. The petitioner is involved in two other cases and in the present case, he has been in judicial custody since 29.05.2026. Lastly, the learned counsel for the petitioner undertakes that the petitioner shall cooperate with the trial and shall not indulge in the commission of any offence in future.

5. On the other hand, the learned APP for the State has opposed the prayer for bail. However, he has drawn the attention of the Court to the FSL Report, wherein he has submitted that the *Kota* drug is a mixture of smack/ heroin as well as Acetylcodeine (byproduct of heroin) and the quantity of the recovered contraband falls within the intermediate quantity.

6. Taking into account the entire facts and circumstances of the case, coupled with the fact that the recovered contraband falls within the category of intermediate quantity which is much below the commercial quantity, the petitioner above-named, is directed to be

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released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Principal District and Sessions Judge/concerned Court, Samastipur in connection with Bettiah Mohanpur P.S. Case No. 93 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedents of the petitioner and if he is found involved in any case other than the two cases as mentioned in paragraph no. 3 of the main bail petition his bail bond will not be accepted. The cases mentioned in paragraph no. 3 of the main bail petition are as follows:-

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(a) Patori P.S. Case No. 364 of 2020.

(b) Mohiuddin Nagar P.S. Case No. 90 of 2026.

(v) It is also made clear that there shall be no delay in verifying the criminal antecedent of the petitioner and the delay shall not extend beyond a period of ten days.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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