IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66205 of 2026

CNR No. BRHC010967122026

Arising Out of PS. Case No.-92 Year-2026 Thana- BHAPTIAHI District- Supaul

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Mithlesh Kumar @ Mithilesh Kumar S/o Upendra Sutihar Resident of village - Pipra Kkhurd, (Khurd), Piprakhurd, Ward No. 07, Police Station - Bhaptai Sarai, (Bhaptiyahi), District - Supaul

. ... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Arun, Adv.
For the Opposite Party/s : Mrs. Dr. Indiwar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

3 30-10-2026 Heard learned counsel for the petitioner as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Sections 21(b) and 29 of the N.D.P.S. Act.

3. As per the allegations made in the F.I.R., 8.200 grams 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 this case. Learned counsel for the petitioner further submits that the provisions of Sections 103 and 105 of the B.N.S.S. and Sections 50 and 52 of the N.D.P.S. Act have not been complied with. It is further submitted that the contraband which has been recovered falls

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within the ambit of an intermediate quantity and is much below the commercial quantity. Learned counsel for the petitioner further submits that the charge-sheet has already been submitted. It is further submitted that the charge-sheet in this case was submitted without the report of the F.S.L., which is in complete violation of the provisions of the N.D.P.S. Act. Learned counsel for the petitioner further submits that the petitioner undertakes to cooperate in the trial and not to repeat the offence in future.

5. The petitioner has been in judicial custody since 09.04.2026.

6. Learned A.P.P. on behalf of the State has opposed the application.

7. Taking into consideration the entire facts and circumstances of the case including his clean antecedent the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Supaul, or concerned Court, in connection with Bhaptiyahi P.S. Case No. 92 of 2026, subject to the following conditions:-

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

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trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his 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) If the petitioner repeats an offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the present one, his bail bond shall not be accepted.

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

(Raj Kumar, J)

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