IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75467 of 2026

CNR No. BRHC011083532026

Arising Out of PS. Case No.-219 Year-2026 Thana- MOHIUDDIN NAGAR District-Samastipur

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Sonu Kumar Son of Santosh Rai @ Santosh Kumar Roy R/V- Telgama, P.S.-Mohanpur, District - Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar, Adv.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 04-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mohiuddin Nagar P.S. Case No.219 of 2026 registered for the offences punishable under Sections 8(c), 21(b) and 22(b) of the NDPS Act.

3. On suspicion that a person was carrying some narcotic substance, the police intercepted a motorcycle rider, namely, Baby Kumar (co-accused). Upon search, 17.740 grams of a smack/Kota-like substance was allegedly recovered from his possession. The apprehended accused, thereafter, disclosed that the said substance had been procured from the petitioner.

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4. Learned Advocate appearing for the petitioner, referring to the contents of the FIR, submits that admittedly, the alleged recovery has been effected from the possession of the co-accused and, save and except the disclosure made by the apprehended accused, there is nothing on record to *prima facie* suggest the complicity of the petitioner in the alleged offence. It is further submitted that neither the call detail records have been collected to establish any telephonic contact between the petitioner and the apprehended accused nor has any incriminating article been recovered from the possession or at the instance of the petitioner. It is also contended that the quantity of the alleged recovered substance is substantially below the commercial quantity. Moreover, the petitioner has never been found involved in any offence of a similar nature. Although one criminal antecedent is attributed to the petitioner, the same relates to petty offences in which the petitioner has already been enlarged on bail.

5. On the other hand, learned advocate for the State vehemently opposes the bail application and submits that the petitioner is alleged to be the person engaged in the sale of the narcotic substance, as disclosed by the apprehended accused from whose possession the alleged recovery was effected.

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6. Having considered the rival contentions advanced by learned Advocates for the respective parties and taking note of the fact that save and except the disclosure made by the apprehended person, there is no other cogent material, besides the fact that the petitioner is a student of B.A. Honours studying in R.B.S. College, Antaur, Samastipur, aged about 21 years, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal District and Sessions Judge, Samastipur in connection with Mohiuddin Nagar P.S. Case No.219 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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