IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79750 of 2026

CNR No. BRHC011151332026

Arising Out of PS. Case No.-428 Year-2026 Thana- RAHUI District- Nalanda

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Monu Kumar S/o Nagina Prasad @ Nagina Yadav R/o Village - Dhibarapar, PS - Rahui, District - Nalanda

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, recovery of 5.300 grams of brown sugar like substance from petitioner's possession.

4. Learned counsel for the petitioner submits that a forged recovery of 5.300 grams of brown sugar like substance has been shown from the possession of the petitioner. However, such recovery has not been made in the presence of any

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independent witness, as such, the mandatory provisions of search in seizure have been violated. It has further been submitted that the quantity is just negligently over small quantity and the petitioner is 19 years old student, having no criminal antecedent. The petitioner is in custody since 24.08.2026 and charge-sheet has been submitted. He undertakes to co-operate in the trial and never to get indulged in any other case of N.D.P.S. Act.

5. Learned APP for the State opposed the prayer for bail.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the recovery is almost of small quantity, coupled with the fact that the mandatory provisions of search in seizure have been violated and also considering that the petitioner is a young boy having no criminal antecedent, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in connection with Ruhai P.S. Case No. 428 of 2026, with subject to further conditions:

(i) One of the bailors shall be the father of the

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petitioner.

(ii) In case, the petitioner gets involved in any other case under the N.D.P.S. Act, the bail bonds in present case would also be liable to be cancelled.

(Soni Shrivastava, J)

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