# In the Court of Sessions Judge/Special Judge (NDPS), Patna

**Bail Application No.- 374/2026**

**Binit Kumar @ Vinit Kumar & Anr.** **Petitioner**

**Vs.**

**The State of Bihar** **Opposite party**

**Date**

**O R D E R**

**07-03-2026**

1. This regular bail application has been preferred by **Binit Kumar @ Vinit Kumar & Bittu Kumar** who are in judicial custody since 25.01.2026, in connection with **Shahpur P.S. Case No.27/2026** dated 25.01.2026 registered under Sections 8(c), 21(b) of NDPS Act.
2. Heard Sri Anshuman, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution case, in brief, is that on 25.01.2026 at around 2:30 PM, during vehicle checking near Ramdev Chowk, Shapur, petitioners Binit Kumar @ Vinit Kumar & Bittu Kumar were apprehended. It is alleged that 35 puriya of smack, each weighing 0.54 grams, totalling 18.90 grams has been recovered from the possession of Binit Kumar @ Vinit Kumar and 50 puriya of smack, each weighing 0.54 grams, totalling 27.00 grams has been recovered from the possession of Bittu Kumar.
4. Learned counsel for the petitioners submitted that the petitioners are innocent, committed no offence and have no criminal antecedent. It was further submitted that the petitioners have falsely been implicated in this case and nothing incriminating have been recovered from their possession. It was next submitted that the mandatory provisions of NDPS Act has not been complied by the police and no independent witness has supported the case of the prosecution. The petitioners are in judicial custody since 25.01.2026. On these grounds, prayed for privilege of regular bail.
5. Per contra, learned Special Public Prosecutor vehemently opposed the prayer for

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grant of regular bail to the petitioners and submitted that total 47.90 grams of smack has been recovered from the possession of the petitioners. The allegation against the petitioners is serious in nature. It was further submitted that investigation is going on and charge sheet is yet to be submitted against this petitioners. It is further submitted that Therefore, the petitioners do not deserve the privilege of regular bail.

**6.** Considering the nature of accusation; quantum of recovery, i.e. total 47.90 grams of smack has been recovered from the possession of the petitioners, which falls beyond the category of small quantity as per Narcotic Drugs and Psychotropic Substances Act, 1985; submissions of learned Special Public Prosecutor; investigation is ongoing and charge-sheet is yet to be submitted, this Court is of the opinion that it is not a fit case for grant of regular bail to the petitioner.

**7.** Accordingly, this regular bail application filed on behalf of the petitioners namely **Binit Kumar @ Vinit Kumar & Bittu Kumar** is hereby rejected.

**(Dictated)**

**(Rupesh Deo)**
**Sessions Judge/Special Judge (NDPS),**
**Patna**

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| **Date of Judgment/Order** | **07.03.2026** |
| **Date of Reserving Judgment/Order** | **24.02.2026** |
| **Uploading Date** | **07.03.2026** |
| **Uploaded by** | **Abhinav/-** |