

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

Bail Application No.- 512/2026

Ankit Kumar

Petitioner

Vs.

The State of Bihar

Opposite party

Date

O R D E R

18-03-2026

1. This regular bail application has been preferred by **Ankit Kumar** who is in judicial custody since 28.01.2026, in connection with **Phulwari Sharif P.S. Case No.175/2026** dated 27.01.2026 registered under Sections 8(c)21(b) of NDPS Act and Section 317(5) of BNS.
2. Heard Sri Akhilesh Kumar Gupta, 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 27.01.2026, the police raided near Korji under Phulwarishrif police station and apprehended the petitioner. Upon search, 47 puriya of smack (heroin like substance) weighing about 11.76 grams and one Oppo mobile phone has been received.
4. Learned counsel for the petitioner submitted that the petitioner is innocent, committed no offence and has no criminal antecedent. It was further submitted that the petitioner has falsely been implicated in this case and nothing incriminating has been recovered from their possession. It was next submitted that only non-bailable offences for which the petitioner has approach this court for grant of bail is section 317(5) of BNS, which is punishable by imprisonment for less than seven years. The petitioner is in judicial custody since 28.01.2026. On these grounds, prayed for privilege of regular bail.
5. Per contra, learned Special Public Prosecutor vehemently opposed the prayer for grant of regular bail to the petitioner and submitted that 47 puriya of smack (heroin like substance) weighing about 11.76 grams has been recovered from the possession of the petitioner. The allegation against the petitioner is serious in

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nature. It was further submitted that investigation is going on and charge sheet is yet to be submitted against this petitioner. It is further submitted that Therefore, the petitioner does not deserve the privilege of regular bail.

6. Considering the nature of accusation; quantum of recovery, i.e. 47 puriya of smack (heroin like substance) weighing about 11.76 grams from the possession of the petitioner, which falls beyond the category of small quantity as per Narcotic Drugs and Psychotropic Substances Act, 1985; section 317(5) is non-bailable in nature; 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 petitioner namely **Ankit Kumar** is hereby **rejected**.

(Dictated)

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

Date of Judgment/Order	18.03.2026
Date of Reserving Judgment/Order	11.03.2026
Uploading Date	18.03.2026
Uploaded by	Shanu/-