

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

**Bail Application No.- 543/2026**

**Subham Kumar**

**Petitioner**

**Vs.**

**The State of Bihar**

**Opposite party**

**Date**

**ORDER**

**18-03-2026**

1. This regular bail application has been preferred by **Shubham Kumar**, who is in judicial custody since 01.01.2026, in connection with **Gaurichak P.S. Case No.03/2026** dated **01.01.2026**, instituted for an offence under Sections 8(c), 21(b) of NDPS Act.
2. Heard Sri Mukesh Kumar, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The allegation against the accused persons is that 24 sachets of smack weighing 17.68 grams has been recovered from the possession of co-accused Rahul Kumar. On his disclosure, four sachets of smack weighing 7.17 grams has been recovered from the possession of Shashi Kumar Singh @ Kala Siyar, four sachets of smack weighing 2.13 grams has been recovered from the possession of Akash Kumar, three sachets of smack weighing 1.79 grams has been recovered from the possession of the petitioner Shubham Kumar and five sachets of smack weighing 2.79 grams has been recovered from the possession of Prince Kumar.
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 the mandatory provisions of NDPS Act has not been followed by the police and no independent witness has supported the case of the prosecution. The petitioner is in judicial custody since 01.01.2026. 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 31.56 grams of smack has been recovered from the possession of the accused persons. The allegation against the petitioner is serious in nature. It was further submitted that investigation is going on and charge sheet is yet to

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be submitted against this petitioner. The allegation against the petitioners is serious in nature. Therefore, the petitioners do not deserve the privilege of regular bail.

6. Considering the nature of accusation; recovery of 31.56 grams of smack from the possession of accused persons, 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 awaited, 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 **Shubham 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/-