

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

Bail Application No.- 588/2026

Subham Kumar

Petitioner

Vs.

The State of Bihar

Opposite party

Date

O R D E R

30-03-2026

1. This regular bail application has been preferred by **Shubham Kumar**, who is in judicial custody since 28.12.2025, in connection with **Maner P.S. Case No.975/2025** dated **24.12.2025**, instituted for an offence under Sections 8(C), 18(b), 21(c), 22(b), 22(c), 30, 31, Section 30(a) of Bihar Special Court, Act 2005 and Section 112(2)(a) of Bharatiya Nyaya Sanhita and Section 25(1-B), (a), 26 and 35 of Indian Arms Act.
2. Heard Sri Mohit Raj, 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 on 24.12.2025 the police apprehended the petitioner Shubham Kumar along with other co-accused. On search, 12 puriya of smack weighing 6.36 grams including paper were recovered from the possession of the petitioner, 9 puriya weighing 4.72 grams smack were recovered from the possession of co-accused Abhishek Kumar @ Nagendra Rai, 5 puriya weighing 2.68 grams were recovered from the possession of co-accused Abhishek Kumar @ Ramjaypal Rai, 2.05 grams smack were recovered from co-accused Saroj Kumar, 10.20 grams smack were recovered from the possession of co-accused Pritam Kumar and 3.10 grams from his car. On further search, the premises in which co-accused Pritam Kumar had concealed himself, smack weighing 347.79 grams, one country made pistol with live cartridges and 21.5 liters beer were also recovered. Further, on search of the house linked with the petitioner Shubham Kumar, co-accused Soni Gupta was apprehended while she was trying to flee from the house and 140 grams of smack and 558.90 grams charas, along with Rs.12,16,000/- were recovered.
4. Learned counsel for the petitioner submitted that the petitioner is innocent, committed no offence and has three criminal antecedents in which the petitioner is on bail in all the cases. 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

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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 28.12.2025. 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 6.36 grams of smack has been recovered from the possession of the petitioner and in total 29.11 grams from the possession of the accused persons. The allegation against the petitioner is serious in nature. It was further submitted that the petitioner has three criminal antecedents. It was further submitted that investigation is going on and charge sheet is yet to be submitted against this petitioner. The allegation against the petitioner is serious in nature. Therefore, the petitioner does not deserve the privilege of regular bail.
6. Considering the nature of accusation; recovery of 6.36 grams of smack has been recovered from the possession of the petitioner and in total 29.11 grams from all the 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; petitioner's three criminal antecedent; 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	30.03.2026
Date of Reserving Judgment/ Order	26.03.2026
Uploading Date	30.03.2026
Uploaded by	Shanu/-