

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

BAIL APPLICATION No.- 1289/2026
(Arising out of Phulwarisharif P.S. Case No.763/2026)

Toni Kumar

-----**Petitioner**

Vs.

The State of Bihar

-----**Opposite party**

Date

ORDER

11-06-2026

1. The present application for regular bail has been filed on behalf of the **accused-petitioner, Toni Kumar**, who is incarcerated since 01.05.2026, in connection with **Phulwarisharif P.S. Case No. 763/2026** dated 01.05.2026, registered under Sections 8(c)/21(b) of NDPS Act.
2. Heard Ms. Sita Kumari, learned counsel for the accused-petitioner, and Sri Ashok Kumar Sinha, learned Special Public Prosecutor for the State.
3. The prosecution's allegation, in brief, is that on 01.05.2026 at approximately 18:05 hours, acting on secret information, a police team reached Nouniya Tola. Upon noticing the police, the petitioner allegedly attempted to flee but was apprehended. A search of his person led to the recovery of 37 sachets of smack, weighing a total of 10.06 grams, along with cash amounting to ₹1,700/-.
4. Learned counsel for the petitioner argued that he is innocent, has no prior criminal record, and has been falsely implicated on suspicion. It was further argued that the petitioner has been in judicial custody since 01.05.2026, and that the investigating agency failed to comply with the mandatory provisions of the NDPS Act., and on these grounds, it is urged to grant regular bail.
5. *Per contra*, learned Special Public Prosecutor opposed the bail application, contending that the recovery of 10.06 grams of smack from the petitioner, exceeds the threshold of “small quantity” under the NDPS Act. He further submitted that the investigation is in progress and the charge sheet is yet to be filed. Given the seriousness of the allegations, it was argued that the petitioner is

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not entitled to regular bail.

6. Having regard to the nature of the accusation; the quantum of recovery of **10.06 grams of smack from the possession of the petitioner**, which exceeds the threshold of “small quantity” under the Narcotic Drugs & Psychotropic Substances Act; the submissions advanced by the learned Special Public Prosecutor; and the fact that investigation is ongoing with charge sheet yet to be filed; this Court is of the view that the present case does not warrant grant of regular bail.
7. Accordingly, the application for regular bail filed on behalf of the **petitioner, Toni Kumar**, stands rejected.

(Dictated)

Sd/-

(Rupesh Deo)

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

Date of Order	11.06.2026
Date of Reserving Order	09.06.2026
Uploading Date	11.06.2026
Uploaded by	Santosh/-