

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

Anticipatory Bail Application No.-2282 of 2026
(Arising out of Patliputra P.S. Case No.471 of 2025)

Rahul Kumar

-----**Petitioner**

Vs.

The State of Bihar

-----**Opposite party**

Date

ORDER

08-07-2026

1. The petitioner, namely Rahul Kumar, has approached this Court by invoking the jurisdiction under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the privilege of pre-arrest bail in connection with Patliputra P.S. Case No. 471 of 2025 dated 30.10.2025, registered for the offences punishable under **Section 278 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 8(c), 21 and 22(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act)**.
2. Heard Sri Satrudhan Kumar, the learned counsel for the petitioner and Sri Ashok Kumar Singh, the learned Special Public Prosecutor appearing on behalf of the State.
3. Upon perusal of the F.I.R., and the materials available on record, the allegations made therein, it appears that the contraband allegedly recovered from the petitioner falls within the category of “small quantity” as prescribed under the NDPS Act. *The Hon’ble Patna High Court, vide order dated 10.04.2025 passed in Criminal Miscellaneous No. 15800 of 2025, has held that an offence involving such quantity is bailable in nature.* Further, the offence alleged under Section 278 of the BNS is also a bailable offence.
4. It is a settled proposition of law that the remedy of anticipatory bail is available only when a person has a reasonable apprehension of arrest on accusation of having committed a non-bailable offence, an application under Section 482 of the BNSS can be preferred. However, where all the offences

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alleged against the accused are bailable in nature, the foundational requirement for invoking the jurisdiction under Section 482 of the BNSS does not exist. Accordingly, this application for anticipatory bail under Section 482 of the BNSS is dismissed as not maintainable.

(Dictated)

Sd/-

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

Date of Order	08.07.2026
Date of Reserving Order	07.07.2026
Uploading Date	08.07.2026
Uploaded by	Santosh/-