

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

BAIL APPLICATION No.- 1892/2026
(Arising out of Phulwari P.S. Case No.1168/2026)

Mangal Kumar

-----Accused-Petitioner

Vs.

The State of Bihar

-----Opposite Party

Date

ORDER

31.07.2026

1. The present application for regular bail has been filed on behalf of the **accused-petitioner Mangal Kumar**, who is incarcerated in custody since 08.07.2026, in connection with **Phulwari P.S. Case No. 1168/2026** dated 07.07.2026, registered under **Sections 8(c) and 21(b) of the NDPS Act**.
2. Heard Sri Ganesh Prasad Yadav, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution case, as alleged, is that on **07.07.2026**, acting on confidential information, the police conducted a raid near **Tamtam Stand** at about **7:05 P.M.** Allegedly three persons, who were engaged in the sale of heroin, attempted to flee upon noticing the police party but were apprehended at the spot. They were identified as **Abhishek Kumar @ Abhiraj, Ratnesh Kumar**, and **Ankush Kumar @ Buddu (juvenile)**. Upon search, the police allegedly recovered **22 packets of heroin weighing 6.02 grams** from the possession of **Abhishek Kumar @ Abhiraj** and **38 packets of heroin weighing 9.55 grams** from the possession of **Ratnesh Kumar**. Thus, a total of **60 packets of heroin weighing 15.57 grams (including the weight of the packing material)** were allegedly recovered. The police also seized **₹3,600/- in cash and mobile phones** from the accused persons. On the basis of the said recovery, the present **FIR** was instituted against **Abhishek Kumar @ Abhiraj, Ratnesh Kumar**, and **Ankush Kumar @ Buddu (juvenile)** for offences punishable under the provisions of the **Narcotic Drugs and Psychotropic**

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

BAIL APPLICATION No.- 1892/2026
(Arising out of Phulwari P.S. Case No.1168/2026)

Contd.....
31-07-2026

Substances Act, 1985 (NDPS Act).

4. Learned counsel for the petitioner submitted that the petitioner is innocent, has no previous criminal antecedents, and has been falsely implicated in the present case. It was further contended that the petitioner was not named in the FIR and that nothing was recovered from his personal possession. Learned counsel also argued that the mandatory provisions of the NDPS Act were not duly complied with by the investigating authorities. It was further submitted that the petitioner has been in judicial custody since 08.07.2026. On these grounds, a prayer was made for the grant of regular bail.
5. *Per contra*, Per contra, the learned Special Public Prosecutor vehemently opposed the bail application, contending that the recovery **15.57 grams of smack** exceeds the threshold prescribed for “small quantity” under the NDPS Act. He further submitted that paragraph 16 of the case diary reveals that the co-accused, Abhishek Kumar, disclosed the name of the petitioner as his associate in the illicit trafficking of contraband. It was also emphasized that the investigation is still in progress and the charge-sheet has not yet been filed. In view of the gravity of the allegations and the stage of the investigation, it was argued that the petitioner is not entitled to the grant of regular bail.
6. Having regard to the nature of the accusation; the recovery of a total of **15.57 grams of smack**, which far exceeds the threshold of “small quantity” under the Narcotic Drugs and Psychotropic Substances Act; the submissions advanced by the learned Special Public Prosecutor; the allegation that the petitioner was actively engaged in the illicit trafficking of contraband; and the fact that the investigation is still ongoing and the charge sheet has yet to be filed; this Court is of the view that the present

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

BAIL APPLICATION No.- 1892/2026
(Arising out of Phulwari P.S. Case No.1168/2026)

Contd.....
31-07-2026

case does not warrant the grant of regular bail.

7. Accordingly, the application for regular bail filed on behalf of the **petitioner**,
namely, Mangal Kumar, stands **rejected**.

(Dictated)

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

Date of Order	31.07.2026
Date of Reserving Order	28.07.2026
Uploading Date	31.07.2026
Uploaded by	Santosh/-