(2026:JHHC:19482)

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 5828 of 2026

Mogan Munda @ Mogon Munda, aged about 64 years, son of late Durga Munda @ Duga Munda, resident of Village-Rugri (Kudapurti), P.O. & P.S.-Saiko, Dist.-Khunti

… Petitioner

Versus

The State of Jharkhand ··· Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Abhay Kr. Chaturvedy, Advocate
For the State : Mr. Bhola N. Ojha, Spl. P.P.

Order No.02 Dated- 03.07.2026

Heard the parties.

The petitioner has moved this Court for grant of bail in connection with Saiko P.S. Case No.07 of 2023 (N.D.P.S. Case No. 16 of 2023) registered for the offences punishable under sections 18/22/25 of the N.D.P.S. Act.

This is the second journey of the petitioner with the prayer for regular bail and earlier the prayer for regular bail of the petitioner was rejected vide order dated 19.06.2025 in B.A. No. 4848 of 2025. It is next submitted by learned counsel for the petitioner that the fresh ground is that in the meanwhile, three witnesses have been examined and all of them have stated that on search of the house of the petitioner, 7.2 kg of opium was recovered. It is further submitted that the allegations against the petitioner are all false and the witnesses could not identify the petitioner who was present in the court through video conferencing. It is then submitted that the petitioner has been in custody since 28.03.2025, as has been mentioned in paragraph no. 21 of the bail application. Hence, it is submitted that the petitioner be admitted to bail.

Learned Spl. P.P. appearing for the State vehemently opposes the prayer for bail and submits that keeping in view the serious nature of allegation against the petitioner of recovery of opium in commercial quantity from his house and only three witnesses

examined so far by the prosecution have all stated about recovery of 7.2 kg of opium from the house of the petitioner which comes under commercial quantity; the rigors of Section 37 of the N.D.P.S. Act, 1985 is attracted in this case and in the absence of any material to suggest that the petitioner is not guilty of the offences and that he is not likely to commit any offence while on bail, the petitioner ought not be admitted to bail.

Considering the serious nature of allegation against the petitioner and the fact that three witnesses so far examined have supported the case of the prosecution and have stated categorically about the recovery of 7.2 kg of opium from the house of the petitioner and in the absence of any material for this Court to be satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the offences and that he is not likely to commit any offence if admitted to bail; this Court is not inclined to admit the petitioner on bail. Accordingly, the prayer for bail of the abovenamed petitioner is rejected.

(Anil Kumar Choudhary, J.)

03.07.2026
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