

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9585 of 2025**

Arising Out of PS. Case No.-307 Year-2023 Thana- JOGBANI District- Araria

Upendra Mandal S/o Jagat Lal Mandal R/o Matiyari, Ward No 07, PO and  
PS- Forbesganj, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      30-07-2025                      Heard learned counsel for the petitioner, learned  
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Jogbani  
P.S. Case No. 307 of 2023, instituted for the offences punishable  
under Sections 20(b)(ii)(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is  
recovery of 102 Kg of Ganja in four bags from the possession of  
the petitioner.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. Charge-sheet has been submitted in this case. No  
incriminating material has been recovered from the conscious  
possession of the petitioner. Learned counsel for the petitioner



further submits that the petitioner has got no concern with the alleged recovery of Ganja. The petitioner was a passerby of that way and was apprehended on the basis of suspicion. The petitioner is in custody since 29.12.2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act and the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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