

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16302 of 2025

Arising Out of PS. Case No.-145 Year-2023 Thana- MOKAMAH District- Patna

Chunchun Kumar Son of Om Prakash Mahto Resident of Village -Sitarampur,
Rachyahi @ Raichiahi, Ward no. 10, Police Station- Matihani, District
-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India through Narcotics Control Bureau, Government of India,
Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 13-11-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Special Case No.
151/2023 corresponding to the Mokama P.S. Case No. 145/2023
dated 03.05.2023 registered for the offences punishable u/ss
20(B)(II)(c) of the N.D.P.S. Act.

3. As per the prosecution case, total 81.110 kgs. Ganja
was recovered from the possession of the petitioner and the co-
accused persons.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. Nothing has been recovered from the conscious possession of the petitioner. As per the Letter No. 61/2025, dated 16.06.2025 issued by the learned court below, this case is pending at the stage of prosecution evidence and altogether nine witnesses are named in charge sheet, out of which two prosecution witness have been examined and discharged.

Learned counsel has placed reliance on the judgment of Supreme Court in the case of **Rabi Prakash vs. The State of Odisha in Special Leave to Appeal (Crl.) No(s) 4169 of 2023**

has held that “ *As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent-State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re: formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.*”

Learned counsel has further submitted that only 1 witness out of



19 witnesses was examined in the aforesaid case. Learned counsel has further submitted that in the case of **Mohd Mulim @ Hussain vs. State (NCT of Delhi) Special Leave Petition (CRL.) No(s). 915 of 2023**, *“the petitioner remained in custody for over 7 years and one witness was examined and 34 witnesses were yet to be examined.”* The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.05.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity i.e., 81.110 kgs. of ganja. The petitioner has no valid authorization for keeping the said contraband.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna in connection with Special Case No. 151/2023 corresponding to the Mokama P.S. Case No. 145/2023, with the condition:-

(i). The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

(ii) The petitioner is directed to cooperate in the trial before the learned court below.

7. The application stands allowed.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

