

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21590 of 2025**

Arising Out of PS. Case No.-158 Year-2024 Thana- BARACHATTI District- Gaya

Jitendra Manjhi Son of Krishna Manjhi Resident of Village -Piprahi PS-
Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Barachatti P.S. Case No. 158 of 2024, instituted for the offences
punishable under Sections 18, 20 and 22 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 22 Kg *Ganja* from the house of the petitioner.

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



not arrested at the place of occurrence rather local chowkidar disclosed the name of the petitioner. The alleged recovery has been made from the joint house of the petitioner and not from the conscious possession of the petitioner. The petitioner is in custody since 03.12.2024 and has got two criminal antecedents in which he was on bail. 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 the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

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)

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