

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26804 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- JOGBANI District- Araria

Mithilesh Sah @ Mithilesh Kumar Sah Son of Suryanarayan Sah Resident of
village - Purana Jogbani, Ps- Jogbani, Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP
For the UOI	:	Mr. Ravi Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 07-07-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the UOI.

Perused the case diary.

2. The petitioner seeks bail in connection with
Jogbani P.S. Case No. 02 of 2025 instituted for the offences
under Sections 20(b)(ii)(C) of the Narcotics Drugs &
Psychotropic Substance Act.

3. Prosecution allegation, in short, is that total 243
Kg. ganja has been recovered in this case.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
the present case merely on the basis of suspicion. The



petitioner is in custody since 04.01.2025 and has got no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is the laborer and was working under the co-accused Md. Salim. The petitioner has no concern with the alleged recovered vehicles i.e. Scorpio & motorcycle or the alleged recovered Narcotic substance rather the petitioner has been made scapegoat in the present case by the SSB Team. There is no allegation of tampering of witnesses alleged against the petitioner.

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. He further submits that the prayer for regular bail of the co-accused Md. Salim @ Mohammed Salim has already been rejected by this Court vide order dated 15.04.2025 passed in Cr. Misc. No. 20127 of 2025.

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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