

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27884 of 2025

Arising Out of PS. Case No.-285 Year-2022 Thana- DHAMDAHA District- Purnia

Khagesh Mandal @ Khantar Mandal Son of Late Girdhari Mandal Village-
Madrouni, ps- Dhamdaha, Dist- Punrea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

Ms. Bharti Kumari, Adv.

For the Opposite Party/s : Mr. Anil Kr. Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with Dhamdaha P.S. Case No. 285 of 2022 registered for the offence under Sections 20(b)(ii)(c) and 25 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 24.10.2024.

4. The allegation against the petitioner is to have in possession of 149.87 kg of *Ganja*/contraband.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged *Ganja* was recovered from tin shade constructed beside the house of the petitioner which was of his brother-in-



law (*Behnoi*). It is submitted that the recovery was not made from the conscious physical possession of this petitioner, and therefore, he cannot be said under culpable mentality *qua* possession of contraband in terms of provisions as available under Section 35 of NDPS Act, and therefore, the import of Section 37 of NDPS Act, not appears applicable with present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that the tin shade, in issue, was of brother-in-law of this petitioner which was constructed just beside the house of this petitioner and was well within his knowledge, as he equally involved with the activities of alleged contraband i.e., Ganja with his brother-in-law who is also one of the co-accused of this case namely, Dharmendra Mandal, who after trial was convicted by learned Special Court. It is submitted that in such



circumstances it cannot be said that petitioner was not aware about the contraband related activities and was not under culpable mental state in view of Section 35 of NDPS Act. It is submitted that in view of rigors of Section 37 of NDPS Act, petitioner is not deserving bail.

7. A report regarding stage of trial was also called for which made available to this Court through letter no. 624 of 2025 by learned District and 4th Addl. Sessions, Judge, Purnea, which speaks that out of 6 prosecution witnesses, two were already examined, therefore, the progress of trial also satisfactory.

8. In view of aforesaid factual submission and by taking note of fact as *prima-facie* petitioner appears found in possession of huge quantity of *Ganja* i.e., much more than commercial quantity i.e., 149.87 kg, accordingly, the prayer of bail of petitioner stands **rejected** herewith.

9. Considering the custody period of the petitioner learned trial court is directed to conclude the trial preferably within one year from the receiving of this order, failing which petitioner may



renew his prayer for bail, if so advised.

(Chandra Shekhar Jha, J)

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