

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33250 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- SULTANGANJ District- Bhagalpur

Mukesh Kumar @ Mukesh Mandal S/O Upendra Mandal Resident of Village-
Munshipatti, P S.- Sultanganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Sultanganj P.S.

Case No. 30 of 2025 registered for the offences punishable

under Sections 8 and 20(B)(ii)(C) of the NDPS Act.

3. The allegation against the petitioner is to have

in possession of 61.150 kilograms of *ganja* along with other

co-accused persons, which was recovered from the house of

co-accused. Petitioner said to managed his escape from the

place of recovery.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and, therefore, it cannot be said that recovery was made from his possession. It is submitted that recovery was made from the house of co-accused Vikash Kumar, where Sunil Mandal was also apprehended. It is submitted that petitioner was busy with treatment of his wife since last six months and therefore out of input regarding his involvement in dealing with contraband/*ganja* appears false on its face.

5. Learned APP appearing on behalf of the State, while opposing the prayer for anticipatory bail submitted that as per FIR petitioner managed to escape from the place of recovery. It is submitted that information regarding involvement of petitioner was also available with raiding party. It is submitted that allegation prima-facie suggests that petitioner was under culpable mental state in view of Section 35 of the NDPS Act and, therefore, in view of recovery of commercial quantity of ganja/contraband i.e., 61.150 kilograms, in view of mandate as available under Section 37 of NDPS Act, petitioner does not deserves bail.



6. In view of aforesaid facts and circumstances and by taking note of the fact as prima-facie culpable mental state of petitioner, in view of Section 35 of the NDPS Act cannot be denied, where recovery of contraband appears commercial quantity i.e., 61.150 kilograms, accordingly prayer for anticipatory bail of petitioner stands rejected, herewith.

(Chandra Shekhar Jha, J.)

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