

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38826 of 2025

Arising Out of PS. Case No.-24 Year-2024 Thana- MAHUAWA District- East Champaran

Shambhu Prasad Yadav @ Shambhu Prasad S/o Late Ramnarayan Ray R/o
Village- Chandraman, P.S.- Mahua, District- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr./Ms. Renuka Ratnakar (App.125)

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 14-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner seeks regular bail in connection with
N.D.P.S. G.R. Case No.80 of 2024, arising out of Mahuawa P.S.
Case No.24 of 2024 registered under Sections 8/20(b)(ii)
(b)/23(b) of the N.D.P.S. Act.

3. There is a recovery of 1.7 kg *ganja* kept in a bag
from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case due to ulterior motive. The seized contraband like
substance (*ganja*) does not belong to the petitioner and nothing
has been recovered from conscious possession of the petitioner.
The alleged recovery of *ganja* is below the commercial quantity,



therefore, Section 37 of the N.D.P.S. Act is not applicable in the instant matter. Petitioner is a student having clean antecedent. Charge sheet has already been submitted and there is no chance of his absconding or tampering with the evidence. Petitioner is in custody since 21.03.2025 and he undertakes to cooperate in the trial.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the above facts and circumstances of the case as well as the submissions of learned counsels for the parties, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Motihari, East Champaran in connection with N.D.P.S. G.R. Case No.80 of 2024, arising out of Mahuawa P.S. Case No.24 of 2024.

(Sunil Dutta Mishra, J)

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