

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41473 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- JADIA District- Supaul

Arjun Sah Gulay Sah R/o Village- Hirapatty, Ward no. 12, Jadiya, Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with NDPS Case No. 28 of 2025 arising out of Jadiya P.S. Case No. 39 of 2025, registered for the offences under Sections Section 8, 20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution case, police received secret information about two youths keeping Ganja in their bags. Both the youths were apprehended and from their possession total 8 kg Ganja was recovered in four plastic bags containing 2 kg each. The apprehended co-accused persons disclosed the name of the petitioner from whom they purchased the Ganja.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is land dispute between the brother-in-law of the petitioner and co-accused Arjun Kumar and earlier also the Ganja planted by the family members of the co-accused was shown as recovered from the house of the petitioner. The police has not followed the mandatory provisions of the NDPS Act and even appointment of the Magistrate is against the provision of Section 42 of the NDPS Act. Nothing incriminating has been recovered from the person or possession of the petitioner which is apparent from the FIR. The petitioner is having antecedent of two cases and he is on bail in both the cases. Petitioner is in custody since 08.04.2025.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the co-accused persons disclosed the name of the petitioner for supplying them with Ganja.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery of any contraband has been shown from the petitioner and further considering his period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, NDPS, Supaul/concerned court, in connection with NDPS Case No. 28 of 2025 arising out of Jadiya P.S. Case No. 39 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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