

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45649 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- GORIAKOTHI District- Siwan

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1. Akhilesh Pandey Son of Shri Harendra Pandey Resident of Village- Hulas Chhapra, P.S.- Goreakothi, District- Siwan
 2. Jitesh Pandey Son of Shri Harendra Pandey Resident of Village- Hulas Chhapra, P.S.- Goreakothi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 04-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Goreakothi P.S. Case No. 103 of 2025 instituted for the offences under Sections 20(b)(ii)(c)/22 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. As per prosecution case, the police has recovered total 117.800 K.G. Ganja like substance contained in 11 bundles from the house of the petitioners.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case due to highhandedness of the police officials.



Petitioners are in custody since 25.03.2025 and have no criminal antecedent. Learned counsel for the petitioners further submits that the charge-sheet has been submitted in this case without enclosing the F.S.L. report and, thus, incomplete charge-sheet has been submitted. There is no allegation of tampering of witnesses alleged against the petitioners. Learned counsel for the petitioners submits that the alleged recovery of *Ganja* like material has been made from the joint house in which the petitioners also reside but, surprisingly, the petitioners have been made accused in this case without any rhyme or reason. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned Additional Public Prosecutor submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and the recovery of contraband being 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



petitioners.

7. Accordingly, the prayer for bail of the petitioners,
above named, is hereby rejected.

(Rudra Prakash Mishra, J)

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