

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49346 of 2025

Arising Out of PS. Case No.-636 Year-2024 Thana- KAHALGAON District- Bhagalpur

Md. Shahanshah @ Sahnasha @ Md. Sahansha S/o Md. Kamruddin Resident
Of Village- Kajipura, PS- Kahalgaon, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 31-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kahalgaon P.S. Case No. 636 of 2024, instituted for the offences
punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 6.05 gram of brown sugar from the house of co-
accused, Suraj Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the alleged recovery has not been
made from the possession of the petitioner rather the same has



been recovered from the house of co-accused, namely, Suraj Kumar. The petitioner is co-villager and is a daily wage labourer and had gone to the house of co-accused to collect his wages and in the meantime, he was arrested by the police. It is next submitted that the petitioner has got no concern with the alleged recovery of brown sugar. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 30.12.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted regular bail by a Co-Ordinate Bench of this Court vide order dated 16.07.2025 passed in Cr. Misc. No. 43942 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection with Kahalgaon P.S. Case
No. 636 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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