

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50844 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- HARLAKHI District- Madhubani

Jimdar Mukhiya, Son of Manraj Mukhiya, Resident of village - Birta, P.S.-
Bahorba, District - Dhanusha (Nepal). Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with G.R. No.

05/2025 arising out of Harlakhi P.S. Case No. 10/2025, registered

for the offence under Section 20/22 of NDPS Act.

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

in custody since 18.01.2025.

4. As per FIR, 10.100 Kg of *Ganja* was recovered from

the possession of this petitioner and co-accused while carrying on

a motorcycle.

5. Learned counsel appearing on behalf of the petitioner

submitted that the contraband in issue was of co-accused Mithun,

who was granted anticipatory bail by one of the learned co-

ordinate Bench of this Court through Cr. Misc. No. 41653 of 2025

dated 15.10.2025 and this petitioner only accompanied him as a



pillion rider on request of the co-accused Mithun. It is pointed out that as per gist of interrogation, it appears that the petitioner who is the resident of bordering village of Nepal visited to India out of his acquaintance with co-accused Mithun. It is also submitted that as the recovered quantity is less than commercial quantity, the rigours of Section 37 of NDPS Act not appears applicable in present case and , moreover, mandatory provisions regarding sampling search and sealing (SSS) also not appears to be followed in present case. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as one of the co-accused Mithun has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 41653 of 2025 dated 15.10.2025 and further by taking note of fact as the recovered quantity of contraband is less than commercial quantity, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 18.01.2025,



accordingly, petitioner above named, is directed to be released on bail in connection with G.R. No. 05/2025 arising out of Harlakhi P.S. Case No. 10/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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