

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60385 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- KURSAILA District- Katihar

1. VIKASH MANDAL S/o Sita Ram Mandal R/o Vill.- Nawabganj(Purab Tola), P.S. - Kursela, District - Katihar
2. Kalicharan Kumar S/o Arun Mandal R/o Vill.- Nawabganj(Purab Tola), P.S. - Kursela, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 26-09-2025 Heard Mr. Pawan Kumar Singh, learned counsel for the petitioners and Mr. Nityanand Tiwary, learned APP for the State.

2. The petitioners seek bail in connection with Kursela P.S. Case No. 23 of 2025, instituted for the offences punishable under Sections 8 and 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 69.460 Kg of Ganja from the *dickky* of a car and the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of these petitioners. Learned counsel for the petitioners also submits that the petitioners have got no concern either with the alleged recovery of Ganja or with the seized car. The petitioners are neither owner nor driver of the car in question rather they took lift in that car. The petitioners are in custody since 23.01.2025 and have got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioners further submits that other co-accused has been granted regular bail by this Court vide order dated 16.06.2025 passed in Cr. Misc. No. 36225 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act and, therefore, the petitioners do not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband 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. The prayer is rejected.

(Rudra Prakash Mishra, J)

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