

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60811 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- East Champaran

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Munna Kumar Son of Ramashankar Sahani @ Rama Sahani Village-
Vrindavan Mutnaji Ward no. 9, Ps- Tariyani, Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Usha Kumari-I, APP

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

ORAL ORDER

3 26-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NCB P.S.
Case No. PZU/V/02 of 2025, NDPS G.R. Case No. 43 of 2025
instituted for the offences under Sections 8(c), 18(b), 29 of the
NDPS Act.

3. Prosecution allegation, in short, is that total 8 kilogram
opium has been recovered in this case, out of which 3 Kg opium
was recovered from the petitioner's possession.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 22.03.2025 and
has got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioner. Learned counsel further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further contended that petitioner was merely the passerby whereas the main culprit fled away from the spot throwing away the contraband. There is no compliance of Sections 42 and 50 of the NDPS Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. 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. Bail of other similarly situated co-accused has been rejected by this Court vide order dated 21.08.2025, passed in Cr. Misc. No. 56809 of 2025.

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 petitioner.

7. The prayer is *rejected*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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