

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63642 of 2025

Arising Out of PS. Case No.-100 Year-2022 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Laxuman Kumar Son of Yogendra Ray Resident of Village - Jethuli, P.S.-
Nadi, District – Patna. Petitioner/s

Versus

The Narcotics Control Bureau Patna through its intelligence officer, Union of
India. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Usha Kumari Singh, Advocate
For the Opposite Party/s	:	Mr.Dr. Krishna Nandan Singh (A.S.G)
For the U.O.I.	:	Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Special

(NDPS Act) Case No. 42/2025, arising out of GRPS Bakhtiyarpur

P.S. Case No. 100 of 2022 registered for the offence under

Sections 8/20(b)(ii)(c) of the N.D.P.S. Act.

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

in custody since 27.02.2025.

4. The allegation against the petitioner is to have in

possession of *ganja* alongwith other co-accused persons, where

total alleged recovery is of 42.95 kg.

5. Learned counsel appearing on behalf of the petitioner

submitted that petitioner was not apprehended on spot and his

name surfaced in this case on the basis of disclosure made by



apprehended co-accused, namely, Vicky Kumar, who arrested with one bag having 16.8 kg of *ganja*. It is submitted that if the narration of F.I.R. be taken into consideration then two persons were alleged to run away from the place of recovery and they were separately carrying bag of *ganja* containing 15.4 kg and 10.75 kg even assuming this petitioner was carrying the bag containing *ganja* having 10.75 kg, same falls within the category of less than commercial quantity for which rigorous implication of Section 37 of the N.D.P.S. Act not appears to be applicable. It is submitted that no contraband i.e., *ganja* appears to be recovered from this petitioner. 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 facts and circumstances as mentioned above, as alleged narcotic drugs i.e., *ganja* not appears to be recovered from the physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner remains in custody since 27.02.2025 accordingly, above named petitioner is directed to be released on bail in



connection with (NDPS Act) Case No. 42/2025, arising out of GRPS Bakhtiyarpur P.S. Case No. 100 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive, Special Judge (NDPS Act) Court No. 1, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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