

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69329 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- GALGALIYA District- Kishanganj

1. Manoj Vishwakarma Son of Arjun Vishwakarma Resident of Ward No.- 4 Gang Chowk Manjhi, P.S.- Aapkahi, District - Jhapa, Nepal.
2. Abhishek Manjhi Son of Chandra Bahadur Manjhi Resident of Ward No.- 4 Gang Chowk, P.S.- Aapkahi, District - Jhapa, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 17-12-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioners are in custody in connection with Galgalia P.S. Case No. 86 of 2024 registered for the offences punishable under Sections 8(c), 21(b)/29 of the NDPS Act.

3. As per allegation in the FIR, there is recovery of 14.2 gram morphine was recovered from the conscious possession of the petitioner.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that the alleged seizure has been made from plastic bag and not from the possession of the petitioners. He further submits that petitioners are citizen of Nepal and they entered in Indian border as a tourist as their village is adjacent to India



Nepal Border and then the police caught them. It is also submitted that petitioners are in judicial custody since 18.11.2024 having clean antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, entire case diary and the impugned order dated 27.01.2025, it appears that petitioners were arrested and upon search, 14.02 gms or Morphine has been recovered from the conscious possession of the petitioners which is more than smaller quantity. On perusal of FIR, one of the important aspect of this case is that both the petitioners are Nepali citizen and at this time there is no extradition treaty between India and Nepal. So, considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioners, this Court is not inclined to grant bail of the petitioners.

7. Accordingly, the prayer for bail of the petitioners are hereby rejected.

(Ramesh Chand Malviya, J)

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