

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76106 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- MUSAHARI District- Muzaffarpur

1. Chandan Kumar Son of Ram Lakhan Rai Resident of village - Marwan @ Ajj Nagar, P.S.- Bariyarpur, District - Muzaffarpur
2. Prabhakar Kumar Mishra Son of Late Harishchandra Mishra Resident of village - Sarfuddinpur, P.S.- Bochaha, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Mushahari P.S. Case No. 142 of 2025 instituted for the offences under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 9.540 kg of *ganja* has been recovered in this case.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioners are in custody since 26.06.2025 and have no criminal antecedent. There is no allegation of tampering of witnesses alleged against



the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being less than commercial quantity as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mushahari P.S. Case No. 142 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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