

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73083 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- PHULWARIA District- Begusarai

Ganesh Kumar S/O Bhuneshwar Singh Resident of Village- Pahsara, P.S.-
Naokothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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

ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in NDPS Case No. 38 of 2025, arising out of Phulwaria PS Case No. 105 of 2025 instituted for the offences under Sections 20 & 22 of the NDPS Act.

3. The prosecution case, in brief, is that on 12.07.2025 at about 10:00 P.M., police conducted several raids based on confidential information regarding illegal Ganja trade. During the operation, several accused were apprehended, and Ganja was recovered from different shops, wherein 1.5 Kg from the shop of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 14.07.2025 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 07-10-2025, passed in Cr. Misc. No. 69155 of 2025.

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

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 38



of 2025, arising out of Phulwaria PS Case No. 105 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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