

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80683 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- KHAJEKALA District- Patna

Manohar Rai S/o Tileshwar Rai Resident of village - Nauzar Katra, Diwan
Mohalla, P.S - Khajekala, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Khajekala P.S. Case No. 322 of 2025, instituted for the offences
punishable under Sections 8 and 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 4 Kg Ganja out of which 2.250 Kg of Ganja
has been recovered from the house 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 also submits that the petitioner has got no concern
with the alleged recovery of Ganja. The petitioner was not
arrested on spot. Name of the petitioner has transpired in this



case in course of investigation. 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 05.08.2025 and has got three criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by a co-ordinate Bench of this Court vide order dated 05.12.2025 passed in Cr. Misc. No. 76757 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, the recovered contraband being below the commercial quantity 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khajekala P.S. Case No. 322 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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