

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3357 of 2026

Arising Out of PS. Case No.-304 Year-2025 Thana- MOTIPUR District- Muzaffarpur

Rahul Kumar son of Prem Kumar Singh Resident Of Village- Birpur P.s
-Kanti District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Motipur P.S. Case No. 304 of 2025 registered for the alleged offences under Section 317(5) of BNS and Sections 8, 20(b)(ii)(C) of NDPS Act.

03. As per prosecution case, the informant received secret information about transportation of ganja in a Tata Safari vehicle. The checking of vehicles are started and driver of the identified vehicle stopped the vehicle before the place where the checking was being conducted and the driver and two other persons tried to flee away. The driver and two others were



apprehended. On search of vehicle, recovery of 21 kg of ganja was made from a hidden box under the dashboard. Recovery of mobile phones were also made from the apprehended co-accused persons. The apprehended co-accused persons named the petitioner as the recipient to whom they were supposed to supply ganja.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in the confessional statement of co-accused persons which has got no legal sanctity. The petitioner has no concern with the apprehended co-accused persons or with the vehicle seized in this case. No FSL report has been submitted along with the charge sheet to show that the seized article was ganja. Learned counsel further submits that the submission of charge sheet without FSL report shows a perfunctory charge sheet and on this ground, the Hon'ble Supreme Court and Co-ordinate Bench of this Court in a number of cases have enlarged the accused persons on bail. The petitioner is having clean antecedent and he is in custody since 23.08.2025.

05. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovery



of commercial quantity of ganja has been made from the vehicle in which the co-accused persons have been travelling.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the doubt over the involvement of the petitioner in the whole occurrence and also considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court-I (NDPS), Muzaffarpur/concerned Court in connection with NDPS Case No. 158 of 2025, arising out of Motipur P.S. Case No. 304 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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