

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4376 of 2026

Arising Out of PS. Case No.-322 Year-2024 Thana- RAMGARHWA District- East
Champaran

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Munaf Miya @ Monaf Miya S/o Ashik Miyan R/o Vill- Belahiya, P.S.-
Ramgadhwa, Distt- East Champaran

... .. Petitioner/s

Versus

State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with NDPS
Case No. 78 of 2025, arising out of Ramgharwa PS Case No.
322 of 2024 instituted for the offences under Sections 8(c),
20(b)(ii)(c) & 22 of the NDPS Act.

3. The prosecution case, in short, is that on
17.12.2024, on receiving secret information from SSB 71
Battalion regarding transportation of ganja in Bus No. BR1AP-
3987 via the Raxaul–Raghunathpur route, a raiding team along
with a deputed Magistrate intercepted the said bus near
Hanuman Mandir Chowk, Ramgarhwa, apprehended the driver
– Lalbabu Mian who allegedly disclosed that the ganja was



concealed in the bus on the instruction of owner Ekram Mian for delivery to Sugauli, and upon search in presence of the Magistrate recovered 18 packets of ganja-like substance weighing a total of 203.800 Kg.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. Petitioner is not even named in the FIR. Name of the petitioner has surfaced in this case on the basis of his self-confessional statement recorded in connection with Ramgarhwa PS Case No. 325 of 2024. No incriminating material has been recovered from the conscious possession of the petitioner, which is evident from perusal of the FIR as well as seizure list. Petitioner was not even arrested on the spot. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband and as per allegation, he allegedly was labour who loaded the consignment on the bus. The petitioner is in custody since 06.05.2025 and has got one criminal antecedent. 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 petitioner.

6. Considering the aforesaid facts and circumstances



of the case, taking into account the fact that petitioner was not even arrested on the spot and his name has surfaced in this case on the basis of his self-confessional statement as also nothing has been recovered either from his physical or conscious possession 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. 78 of 2025, arising out of Ramgharwa PS Case No. 322 of 2024, 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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