

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17599 of 2026

Arising Out of PS. Case No.-703 Year-2025 Thana- ALAMGANJ District- Patna

Shambhu Kumar @ Shambhu Saw @ Shambhu Sah Son of Rajendra Prasad
@ Rajendra Prasad Saw @ Rajendra Prasad Sah R/O Danka Imli, P.S.-
Alamganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Alamganj P.S. Case No. 703 of 2025, registered for the
offences punishable under Sections 8/20(b)ii(B) of NDPS Act.

3. The prosecution case, in brief, is that on 02.07.2025
at about 17:15 hours, while the informant along with other
police personnel was on evening patrol, he received secret
information that the petitioner was selling *ganja* from his
asbestos house at Danka Imli, Alamganj. Upon reaching there,
two persons attempted to flee but were apprehended and
identified as Bhola Kumar and Vikku Kumar. During the search,
4.654 kg of ganja was recovered from their possession and from



the said house.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated. Nothing has been recovered from his conscious physical possession. He is a person of clean antecedent. The name of the petitioner has figured merely on the basis of suspicion.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the fact that recovery of *ganja* has been made from the possession of co-accused persons namely Bhola Kumar and Vikku Kumar and not from the conscious possession physical possession of the petitioner and further taking note of the fact the search and seizure memo is not signed by two independent witnesses, which puts a question mark on the legality and validity of the seizure itself, and also taking note of the fact that the petitioner is a person of clean antecedent, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned District & Session Judge-cum-Spl. Judge (NDPS), Patna in connection with Alamganj P.S. Case No. 703 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) The petitioner shall co-operate in the investigation/ trial.

(ii) The learned Court below would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

kundan/-

U		T	
---	--	---	--

