

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16160 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- GARDANIBAG District- Patna

Raja Kumar Son of Devendra Ray @ Devendra Prasad Resident of Nathupur,
P.S.- Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-06-2026 Heard Mr. Ghanshyam Tiwary, learned counsel for
the petitioner and Mr. Murli Dhar, learned APP for the State.

2. Petitioner seeks bail who is in custody since
15.01.2026 in connection with Gardanibagh PS Case No. 45 of
2026 for the offences punishable under Sections 21,22(a), 25
and 29 of the NDPS Act.

3. The case of the prosecution, in brief, is that the
informant namely Afzal Alam, S.I. of Gardanibagh P.S. gave his
typed report before the officer-in-charge of Gardanibagh P.S.
and stated that on 14.1.2026 at the time of patrolling with other
constable reached Near Manik Chand Talab & seen three
person sitting northern side of said Talab and after seen the
police force trying to fled away but with the help of police force
the said three persons were caught and disclose their names (i)
Ajeet Kumar @ Ajeet Baba, (ii) Raja Kumar, (iii) Amar Singh
and before the independent person & police force the informant
search & seized 41 puriya smike/brown sugar like material &



one mobile & Rs. 750/- recovered from the possession of Ajeet Kumar @ Ajeet Baba and one mobile recovered from the possession of Ajeet Kumar @Ajeet Baba and one mobile recovered from the possession of Raja Kumar and also one mobile recovered from the possession of Amar Singh the informant further stated in the FIR the alleged smike/brown sugar after measurement with plastic cover found 20 gm. thereafter seizure list prepared & present case lodged by the informant against the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that recovery has been made from the co-accused persons, namely, Ajeet Kumar @ Ajeet Baba, Raja Kumar and Amar Singh. It is next submitted that it appears from the FIR that altogether 41 puriyas of smack/brown sugar like substance was recovered from the possession of Ajeet Kumar @ Ajeet Baba and one mobile phone was recovered from the possession of the petitioner. Learned counsel for the petitioner submits that the recovered contraband is measured with plastic cover and it was found 20 grams which is less than the commercial quantity so there is no embargo of Section 37 of the NDPS Act to enlarge



the petitioner on bail. Apart from that co-accused person, namely, Amar Singh from whom the mobile phone was recovered has been granted bail vide order dated 30.03.2026 passed in Cr. Misc. No. 20961 of 2026 by this Court and police after investigation has submitted charge-sheet and petitioner is in custody since 15.01.2026.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report also confirms that the recovered contraband is smack and apart from that the petitioner has antecedent of two cases other than the present case and both the cases are pertaining to NDPS matter.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Gardanibagh PS Case No. 45 of 2026 pending in the Court of learned Sessions Judge cum Special Judge (NDPS), Patna.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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