

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16297 of 2026

Arising Out of PS. Case No.-81 Year-2026 Thana- BHAGWAN BAZAR District- Saran

Mukesh Bharati @ Bhuar Bharti S/o Late Yogendra Bharti R/o Village-
Sakkadi Bharati Tola, PS- Jalalpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

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

ORAL ORDER

2 13-03-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bhagwan Bazar PS Case No. 81 of 2026 instituted for the
offences under Sections 8, 20(b)(i)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 1.175 Kg of ganja from the possession of co-
accused, namely, Shashi Bhushan Singh.

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 further submits that petitioner has no concern with



the recovered contraband. From perusal of the FIR, it would reveal that there is recovery from the possession of co-accused person. 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 31.01.2026 and has got no 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, recovery below 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/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhagwan Bazar PS Case No. 81 of 2026.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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