

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20489 of 2026

Arising Out of PS. Case No.-20 Year-2026 Thana- FATUA District- Patna

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Ajit Kumar S/o Jairam Mistri R/o vill - Jethuli, P.S.- Nadi, Distt.- Patna, at
present vill- Taraura, P.S.- Daniyawan, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Rathour, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-03-2026 Heard Mr.Rahul Rathour, learned counsel for the

petitioner and Mr.Upendra Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
13.01.2026 in connection with Fatuha P.S. Case No. 20 of 2026,
F.I.R. dated 12.01.2026 registered for the offence punishable
under Sections 8, 20(b)(ii)B of NDPS Act.

3. Allegation against the petitioner is that 06 Kg of
Ganja has been recovered from from a back pack carried by the
petitioner and 04 Kgs of Ganja from a Jhola carried by co-
accused Mithilesh Kumar, total 10 Kgs.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation
as alleged in the FIR is false and fabricated and the petitioner



has not committed any offence as alleged in the FIR. He further submits that it appears from the FIR as well as seizure list that 06 Kg of Ganja like substance has been recovered from possession of the petitioner and 04 Kgs of Ganja like substance has been recovered from possession of co-accused Mithilesh Kumar, total 10 Kgs. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the NDPS Act and there is also non-compliance of Sections 103 and 105 of BNSS,2023 and the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S.Act for grant of bail to the petitioner and the petitioner is in custody since 13.01.2026.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, the recovered contraband is less than the commercial quantity and there is non-compliance of Section 50 of the NDPS Act and Sections 103 and 105 of BNSS,2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge (NDPS), Patna in connection with Fatuha



P.S. Case No. 20 of 2026, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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