

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22803 of 2026

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

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Mithilesh Kumar @ Mithlesh Kumar Son of Devendra Saw Resident of
Budda, P.S.- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate
For the State : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2026 Heard Mr. Ghanshyam Tiwary, learned counsel for

the petitioner and Mr. Md. Mushtaque Alam , learned APP for

the State.

2. 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 offences
punishable under Sections 8/20(B)II(B) of N.D.P.S. Act.

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

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. It appears from the F.I.R. as



seizure list that altogether 10 Kgs. of ganja was recovered, 06 Kgs. of ganja was recovered from the possession of the petitioner and 04 Kgs. of ganja was recovered from other co-accused person. He further submits that there is non compliance of mandatory provision of Section 50 of the N.D.P.S. Act and also there is non compliance of Sections 103/105 of the B.N.S.S. and the recovered contraband is less than the commercial quantity, so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that co-accused person Ajit Kumar from whose possession 04 Kgs. Of ganja was recovered has been granted bail by this Court vide order dated 26.03.2026 passed in Cr. Misc. No. 20489 of 2026. The petitioner is in custody since 13.01.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is non compliance of mandatory provision of Section 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity and similarly situated co-accused person has been granted bail by this Court, let the petitioner, above



named, be released 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 & Sessions Judge cum Special Judge, N.D.P.S. Act, Patna in connection with Fatuha P.S. Case No. 20 of 2026, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners 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.



(3) 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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