

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28289 of 2026**

Arising Out of PS. Case No.-196 Year-2025 Thana- RAXAUL District- East Champaran

Hadir Khan @ Adir Khan Son of Late Nathu Khan Resident of village -
Sabaithawa, P.S.- Kangli, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 04-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Raxaul P.S. Case No. 196 of 2025 registered for the offences under Sections 20(b)(ii) (C), 23(C), 29 of NDPS Act.

3. As per prosecution case, co-accused Ashotush Kumar was apprehended on recovery of some psychotropic substance, who disclosed that the petitioner and other co-accused persons have brought ganja in their scrap shop. A raid was conducted and the co-accused persons were apprehended and recovery of 89.742 kg of ganja like substance was made from the shop registered in the name of the petitioner, who was



not apprehended from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is complete non-compliance of Sections 103 and 105 of BNSS for search and seizure and also Section 42(2) of the NDPS Act. The shop of the petitioner is not enclosed from all sides and thus it is accessible to public and for this reason, the recovery cannot be said to be from the conscious possession of the petitioner. No independent witness has been examined though police has sufficient time to approach the independent witnesses. In course of investigation the police has not recorded the statement of the learned Executive Magistrate, who witnessed the search and seizure. Learned counsel further submits that the seized contraband was not sealed at the spot and sealing and sampling was done after gap of five days. The FSL report is awaited for the seized contraband. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the recovery of huge quantity of contraband has been



shown from the shop of the petitioner, I am not inclined to
enlarge the petitioner on anticipatory bail and hence, his prayer
for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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