

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30008 of 2026

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

1. Jakir Khan S/O Late Nathu Khan R/O Village- Sabaithawa, P.S.- Kangli, District- West Champaran
2. Kadir Khan S/O Late Nathu Khan R/O 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. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 21-07-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Raxaul P.S. Case No. 196 of 2025, instituted for the offences punishable under Sections 20(b)(ii)(c), 23(c) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 89.742 Kg of Ganja from the scrap shop of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for



the petitioners further submits that the petitioners have got no concern with the alleged recovery of Ganja. The petitioners are not the owner of the scrap shop. The petitioners are in custody since 07.05.2025 and have 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 petitioners. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioners.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

