

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31466 of 2026**

Arising Out of PS. Case No.-130 Year-2025 Thana- BHARGAMA District- Araria

Ganesh Sah Son of Late Mahadeo Sah Resident of Village- Baiju Patti  
Tinkonma Ward No. 03, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Pooja Prasad, Advocate  
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

**CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR**  
**ORAL ORDER**

3      17-06-2026                      Heard the learned counsel for the petitioner and  
the learned APP for the state.

2. The petitioner apprehends his arrest in connection with Bhargama P.S. Case No. 130 of 2025, for allegedly having committed offence under Sections 8 (C) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that he received an information that the petitioner along with his wife is involved in selling and smuggling of smack. To verify the authenticity of the said information, a raiding team was constituted and the informant along with the team reached at the house of the petitioner herein. Upon seeing the police party, one person managed to escape, however, he



was identified as the petitioner. One woman was taken into custody and upon interrogation, she disclosed her name as Seema Devi. In presence of the police witnesses search was carried out. Smack like substance wrapped in a black foil which was found from an orange foil bag under the bed-sheet was recovered and the same was found to be total 15 grams. Apart from the smack Rs. 29,950/- was also recovered. The arrested accused Seema Devi disclosed that her husband i.e., the petitioner herein get smack from outside and used to sell it from their home.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. She submits that the petitioner was not present at the place of occurrence and therefore there is no question of recovery from him. The name of the petitioner transpired in the present case on the basis of the statement given by the co-accused Seema Devi before the police, since she was apprehended at the place of occurrence. She further submits that the recovered smack is small quantity and has been recovered from a joint family property, therefore, the petitioner cannot be said to be involved in sale of smack. She further submits that the petitioner has got a clean antecedent.



5. Per contra, the learned APP for the state vehemently opposes the prayer for bail of the petitioner and submits that 15 grams of smack has been recovered from the house of the petitioner and wife of the petitioner has been taken into custody at the place of occurrence itself. He further submits that the petitioner managed to escape and has been named by his wife.

6. Having heard the rival submissions and after going through the records, it appears that 15 grams of smack was seized from the house of the petitioner and his wife was arrested. She disclosed the name of the person, who is said to have fled away, as the petitioner.

7. Considering the above facts and circumstances, this court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail application of the petitioner is hereby rejected.

**(Ritesh Kumar, J)**

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