

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38026 of 2026

Arising Out of PS. Case No.-366 Year-2026 Thana- DANAPUR District- Patna

Jagdish Prasad @ Jagdish Kumar S/O Late Shiv Dayal Rai R/O Mohalla-
Nasriganj, Biscuit Factory More, Ward No. 33, P.S- Danapur, District -Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Danapur P.S. Case No. 366 of 2026 registered for the alleged offences under Section 20(b)(ii)B of NDPS Act.

03. As per prosecution case, on a tip off, a raid was conducted in the house of the petitioner who was apprehended along with co-accused Akash Kumar and from search of the house, Rs. 44,848/- cash, mobile phones and 4.04 kg of *ganja* were recovery from the house of the petitioner.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is owner



of the house and there are tenants who had kept the *Ganja* in order to falsely implicate the petitioner as the petitioner has told them to vacate the house. Learned counsel further submits that it is clear from the FIR that the petitioner did not run away and he was sitting in his house when the raid was conducted. The mandatory provisions of search and seizure have not been followed. The petitioner is a handicapped person. Learned counsel further submits that the police was not sure that the seized contraband was *ganja* and for this reason, it has shown recovery of *ganja* like substance. Moreover, the alleged recovery is much less than the notified commercial quantity under the NDPS Act. The petitioner is having clean antecedent and is in custody since 30.03.2026. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering quantity of contraband recovered and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds



of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Patna/court concerned in connection with Danapur P.S. Case No. 366 of 2026, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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