

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40757 of 2026

Arising Out of PS. Case No.-407 Year-2025 Thana- GARDANIBAG District- Patna

Mahamaya Rai @ Mahamaya Yadav Son of Late Rambali Ray Resident
at Jakkanpur, Janata Road, P.S.- Gardanibagh, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.P.N.Shahi, Sr. Advocate Mr.Ganesh Prasad Singh, Advocate
For the Opposite Party/s :	Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 Heard Mr. P.N. Shahi, learned senior counsel for the
petitioner and learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Gardanibagh P.S. Case No. 407 of 2025 registered for the offences punishable under Sections 8, 20(b)(ii)(c), 22(c), 25 of the N.D.P.S. Act.

3. As per FIR, 46 kg. Ganja was recovered from the house of this petitioner. It is alleged that while police raided the house of the petitioner, his two sons namely, Pintu Kumar and Chintu Kumar were fled away from the house by taking advantage of night and narrow street.

4. Mr. P.N. Shahi, learned senior counsel appearing



on behalf of the petitioner submitted that admittedly only two co-accused persons namely, Pintu Kumar and Chintu Kumar, who are the sons of this petitioner, ran away and after chase for a short, were arrested by police. It is submitted by Mr. Shahi that even no disclosure was obtained from the apprehended co-accused persons and only on the basis of relation and suspicion as the petitioner is the father of apprehended co-accused persons, he has been implicated with present recovery of contraband i.e. Ganja.

5. It is submitted by Mr. Shahi that earlier also the son of the petitioner was apprehended in Jakkanpur P.S. Case No. 548/2025, where name of this petitioner was disclosed by one of the co-accused, who was said to be purchaser of Ganja disclosed the name of this petitioner where he was granted anticipatory bail by the learned trial court itself.

6. Arguing further, Mr. Shahi submitted that petitioner is not living in the said house which is completely under control of his sons and as the house in issue is ancestral house, he was implicated with the present crime in



question being father.

7. It is submitted that in view of aforesaid fact, it can be safely said that petitioner was not under culpable mental state having possession over recovered Ganja in view of section 35 of the N.D.P.S. Act and, therefore, factual scenario of this case *prima facie* not appears to attract the rigors of section 37 of the N.D.P.S. Act.

8. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, could not disputed the aforesaid factual submission as advanced by Mr. P.N. Shahi, learned senior counsel for the petitioner.

9. In view of aforesaid factual submissions and by taking note of the fact as the name of this petitioner not even disclosed by apprehended co-accused persons, rather on the basis of suspicion and secret information received from unknown source, the petitioner was implicated *prima facie* with present recovery of contraband i.e. Ganja only being father of apprehended co-accused persons, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail



bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sessiions Judge/Special Judge, N.D.P.S. Act, Patna/concerned court in connection with Gardanibagh P.S. Case No. 407 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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