IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55951 of 2026

CNR No. BRHC010749912026

Arising Out of PS. Case No.-46 Year-2026 Thana- SIWAN GRP CASE District- Siwan

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Arbind Mishra @ Arvind Mishra @ Chhote Mishra S/o Lal Babu Mishra R/o Village - Hullas Chhapra, PS - Goreya Kothi, District - Siwan

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Satyapal Singh, Adv
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

4 19-11-2026 Heard the learned counsel for the petitioner and the learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Siwan Rail P.S. Case No. 46 of 2026, registered for an offence under Sections 8/20(b)(ii)(c) of NDPS 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 while the informant was busy in patrolling at the railway station, he saw that on the west side of the under-construction overbridge of platform no. 2/3, three persons were sitting on a bench in suspicious condition and one jute bag was found in their possession. When the police party proceeded towards them, they started murmuring and tried to

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escape from there. They were apprehended and one jute bag, which was being carried by co-accused Manoj Musahar was searched. Form the said jute bag, total 3.5 kilograms of Charas was recovered. On the basis of the said recovery, the present FIR has lodged.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that the alleged Charas was recovered from one Manoj Musahar and the petitioner has got no concern with the said co-accused Manoj Musahar. Nothing has been recovered from the possession of the petitioner and the true fact is that the petitioner was sitting on the cement bench at the railway platform, waiting for his family members for boarding the train. He next submits that that the petitioner has been apprehended by the police only on suspicion, since he was also siting on the same bench, on which co-accused Manoj Musahar, who was carrying the Charas, was sitting. The petitioner has got no knowledge about the alleged Charas and the same was not recovered from his possession, therefore there is no question of any involvement of the petitioner in the present case. The learned counsel for the petitioner submits that the mandatory provisions of search and seizure was not followed while making seizure and even the

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provisions contained in Section 50 of the NDPS Act has been violated. He submits that since the Charas was not recovered from the possession of the petitioner, therefore he has got no concern with the said recovered Charas. The petitioner was not in contact with the other co-accused persons and even the mobile number mentioned in the case diary is different from the mobile number mentioned in the seizure list, therefore there is no question of any contact in between the petitioner and co-accused Ansar Ali. He submits that the petitioner is an accused in one another case bearing Goreya Kothi P.S. Case No. 24 of 2006, however in the said case, he is on bail. The learned counsel for the petitioner lastly submits that the petitioner is in custody since 19.03.2026.

5. *Per contra,* the learned A.P.P. appearing on behalf of the State, while opposing the prayer for bail of the petitioner submits that commercial quantity of Charas was recovered from co-accused Manoj Musahar and 3 persons were apprehended, including the petitioner. During course of investigation, the accused persons have confessed about their guilt.

6. Having considered the rival submissions and after going through the records, it appears that from the possession of co-accused Manoj Musahar 3.5 kilograms of Charas was found.

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The same was sent for chemical verification and from the report, which has been mentioned in the case diary, it would transpire that the alleged seized material was found to be Charas. The total recovery is more than the commercial quantity, which is 1 Kilogram. Further during course of investigation, the mobile call details of the petitioner and other co-accused persons were verified. It appears from the seizure list that the mobile number mentioned there is of 9 digits, which has been incorrectly recorded by the Investigating Officer of the case and from perusal of the case diary, it would transpire that the petitioner was in contact with co-accused Ansar Ali, who was in contact with co-accused namely Manoj Musahar, from whom the recovery was made. During course of their statement before the police, other co-accused persons have stated that it is the petitioner who was involved in the illegal transportation of Charas and Manoj Musahar was carrying the said Charas for delivering it to Gorakhpur, in lieu of some payment. Considering the materials available in the case diary and recovery of huge quantity of Charas, although not from the possession of the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner

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is hereby rejected.

shital/- **(Ritesh Kumar, J)**

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