IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59449 of 2026

CNR No. BRHC010829032026

Arising Out of PS. Case No.-635 Year-2025 Thana- CHANDI District- Nalanda

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Umesh Prasad S/o Late Ramsahay Gope R/o Village - Nimakaul (Nimakol), P.S - Chandi (Wena), District - Nalanda at Biharsharif

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : None
For the State : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

5 27-10-2026 After repeated calls, nobody appears on behalf of the petitioner, however, learned APP for the State is present.

2. The petitioner seeks regular bail in connection with N.D.P.S. No. 2 of 2026 arising out of Chandi (Wena) P.S. Case No. 635 of 2025 registered for the offence punishable under sections 8, 20(b)(ii)(c), 25, 29 of the NDPS Act and sections 25(1-B)(a), 26, 35 of the Arms Act and section 317 of the B.N.S.

3. The case of prosecution is that .315-bore rifle with two live cartridges, along with that approximately 8.200 kg of Ganja and cash amounting to Rs. 29,900/- and other articles have been recovered from the house. Further searches allegedly resulted in the recovery of approximately 48 kg of Ganja from the cattle yard, along with 200 grams of Ganja from a Swift Dzire car bearing registration No. BR-21AC-4766.

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4. As per bail application, the petitioner is innocent and has been falsely implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent and has been languishing in judicial custody since 27.10.2025. Therefore, the petitioner deserves the privilege of regular bail.

5. Learned APP appearing on behalf of the State vehemently opposes the prayer for bail of the petitioner and submits that acting on the secret information police raided the house of the petitioner and petitioner along with another co-accused namely, Lalu Kumar were found and one co-accused namely, Vikash Kumar fled from the spot. He further submits that .315 bore rifle loaded with two live cartridges, along with approximately 8.2 kg of Ganja and Rs. 29,900/- cash were recovered from the rooftop of the house.

6. Learned APP appearing on behalf of the State further submits that on the alleged disclosure made by the other co-accused namely, Lalu Kumar, a further 48 Kg of Ganja was recovered from the cattle shed, and 200 grams of Ganja was recovered from a Swift Dzire car allegedly used for transporting the contraband. He next submits that petitioner and the other co-accused is involved in the illegal trade of Ganja and the

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quantity of Ganja recovered is much more than the commercial quantity, therefore, the petitioner does not deserve the privilege of regular bail.

7. Considering the facts and circumstances of the case, gravity of offence and quantity of recovered ganja is much more than the commercial quantity and the recovery of illegal arms and live cartridges, the contraband is much more than the commercial quantity as well as the stringent provision of Section 37 of the N.D.P.S. Act, 1985.

8. Hence, the prayer for bail of the petitioner is, hereby, rejected.

(Girijish Kumar, J)

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