IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65507 of 2026

CNR No. BRHC010945062026

Arising Out of PS. Case No.-427 Year-2025 Thana- BIRPUR District- Supaul

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Md. Elias Son of Md. Rasul Safi Resident of Village - Koshikapur, P.S.- Birpur, District - Supaul

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Md Shadab Alam Wazdi, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8/20(b)(ii)(c)/29 of the NDPS Act.

3. The case of the prosecution, in short, is that from the possession of one Raj Kumar Sharma, altogether 38.5 kgs. of ganja like contraband was recovered.

4. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of the petitioner. Witnesses of seizure list are Police personnel. Learned counsel for the petitioner has further submitted that

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Police have not complied with the mandatory provisions of Section 105 of the BNSS, 2023 while making the seizure. Learned counsel for the petitioner has next submitted that the said Raj Kumar Sharna has disclosed that he was carrying ganja. Learned counsel for the petitioner has also submitted that the petitioner is languishing in custody since 12.05.2026 and he has clean antecedents. It is also submitted that in this case, I.O. has filed charge-sheet without F.S.L. which is revealed from Annexure-2 to the petition, wherein I.O. has recorded that the charge-sheet is filed awaiting FSL report from Bhagalpur and CSSL, Hyderabad. Lastly, it is submitted that co-accused Raj Kumar Sharma, from whose possession, the said contraband was recovered, has already been granted bail by this Court vide order dated 13.05.2026, passed in Cr. Misc. No. 32667 of 2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Birpur P.S. Case No. 427 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount

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each to the satisfaction of learned District and Additional Sessions Judge-III, Supaul.

(Ashok Kumar Pandey, J)

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