

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68397 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- BARDAHA District- Araria

Subhan @ Subhan Miyan @ Md. Subhan S/O Late Khatru R/o Village-
Pipraghat (Pipra) Tappu Tola, P.S.- Jogbani, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Madhav Jha, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 24-02-2026 Heard learned Senior counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 8, 20(b)(ii)(B) of the
N.D.P.S.

3. As per the prosecution case, the allegation
against the petitioner is that he along with other co-accused
persons was involved in sale and smuggling of *ganja* and there
is recovery of 10.2 kg of *ganja* from the place of occurrence.

4. The learned Senior counsel appearing for the
petitioner submits that false recovery of total of 10.2 kg of
ganja is said to be made from a bag kept on motorcycle on
which the petitioner and co-accused were sitting, however, no



recovery has been made from the personal or conscious possession of the petitioner and the recovery is of intermediate quantity and quite less than commercial quantity. The petitioner is in custody since 10.06.2025 and although he has criminal antecedents, but no antecedent is of one under NDPS Act. Further, the charges have been framed on 11.12.2025.

5. Learned APP for the State opposed the grant of bail on the ground of quantum of recovery, his criminal antecedents and also the fact that the prayer for bail of similarly situated co-accused, namely Usman @ Phecha @ Phejja has already been rejected by a Co-ordinate Bench of this Court vide order dated 19.11.2025 passed in Cr. Misc. No.78612 of 2025, with direction to the Court to expedite the trial and conclude the same at the earliest.

6. Taking into consideration the facts and circumstances and considering the fact that prayer for bail of similarly situated co-accused has already been rejected by a Co-ordinate Bench of this Court, this Court is not inclined to grant the privilege of bail to the petitioner at this stage. Accordingly, the prayer for bail of the petitioner is hereby rejected in connection with Bardaha P.S. Case No.39 of 2025.

7. However, the charges having been framed on



11.12.2025, the learned Trial Court is directed to proceed expeditiously with the trial and conclude the same, preferably, within a period of six months, failing which the petitioner shall be at liberty to renew his prayer for bail.

(Soni Shrivastava, J)

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