

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65601 of 2025**

Arising Out of PS. Case No.-115 Year-2025 Thana- KURSAILA District- Katihar

1. Guddu kumar S/O Manoj Mandal @ Manoj Kumar Roy R/O-Chharrapatti, P.S- Tikkapati, Dist-Purnia, Bihar, Pin- 854204
2. Diwakar Kumar S/O Gajadhar Mandal R/O-Chharrapatti, P.S- Tikkapati, Dist-Purnia, Bihar, Pin- 854204

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Vishal Vikram Rana, Advocate  |
|                          | : | Ms. Misha Bharti, Advocate        |
|                          | : | Mr. Utkarsh Vikram Rana, Advocate |
|                          | : | Mr. Kumar Saurav Dev, Advocate    |
|                          | : | Mr. Akash Priye, Advocate         |
|                          | : | Mr. Anurag Darshi, Advocate       |
| For the Opposite Party/s | : | Mr. Ajay Kumar Jha, APP           |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**

ORAL ORDER

5      19-03-2026                      Heard Mr. Vishal Vikram Rana, learned counsel for the petitioners as well as Mr. Ajay Kumar Jha, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 16.06.2025 in Kursela P.S. Case No. 115 of 2025 having N.D.P.S Case No.95 of 2025, F.I.R. dated 15.06.2025 for the offences punishable under Sections 8 & 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Recovery is of 16.03 kg of ganja.

4. Learned counsel for the petitioner submits that petitioners have clean antecedent and they falsely been implicated in the present case. From bare perusal of the FIR it



appears that altogether 16.03 kg of ganja in 14 packets were recovered from the possession of the petitioners. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S Act for grant of bail to the petitioners. He next submits that without the FSL report, the police has submitted the charge sheet against the petitioners on 12.08.2025 and the cognizance has also been taken on 25.08.2025 and the petitioners are in custody since 16.06.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners have clean antecedent and the recovered contraband is less than the commercial quantity and police has submitted the charge sheet against the petitioners without the FSL report, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge(N.D.P.S Act), Katihar in connection with Kursela P.S.



Case No. 115 of 2025 , subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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