IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68645 of 2026

CNR No. BRHC010984562026

Arising Out of PS. Case No.-312 Year-2025 Thana- Chitragupta Nagar District- Patna

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Amit Raj S/o Sri Shyam Narayan Choudhary Resident of village - Daulatpur, Dewaria, PS - Sadar Hajipur, District - Vaishali

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Purushottam Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 29-10-2026 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(c), 20(b) and 22(ii)(b) of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that police had information that few persons in a four wheeler have parked the vehicle near ROB flyover and they are having some suspicious articles and from that four wheeler, altogether 34.840 kg. of ganja like contraband was recovered. The petitioner was also apprehended from that four wheeler.

4. Learned counsel appearing on behalf of the

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petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has further submitted that from perusal of the seizure list it will transpire that only a mobile has been recovered from the possession of this petitioner. It has further been submitted that petitioner is not concerned in any way with the four wheeler and the alleged contraband. He is neither the owner nor the driver the said four wheeler. It has also been submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of the B.N.S.S. while making the seizure. Petitioner is having criminal antecedent of one case in which he was acquitted. Moreover, he is languishing in judicial custody since 29.12.2025.

5. Learned counsel for the petitioner has further submitted that from perusal of the case diary it will transpire that in paragraph ‘55’, I.O. has reported that one ACJM was appointed for sampling but from perusal of paragraph ‘55’ it is also clear that there is no averment regarding sampling before the Magistrate, rather I.O. has noted that after taking permission of the learned trial court, ganja like contraband was sent to FSL. Learned counsel has further submitted that this goes to show

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that sampling was not done before the Judicial Magistrate and it has further been submitted that from perusal of the FIR it will transpire that the recovery was made from two places and it was in different bags and sacks. It is not clear from paragraph ‘55’ of the case diary from which bag and sack the sample was taken.

6. Learned APP appearing for the State has vehemently opposed the application for bail.

7. 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge (NDPS), Patna in connection with Chitragupta Nagar P.S. Case No. 312 of 2025.

(Ashok Kumar Pandey, J)

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