

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76625 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- SULTANGANJ District- Bhagalpur

Mukesh Kumar @ Mukesh Mandal, S/o Upendra Mandal @ Opi Mandal, R/o
Village- Munshipatti, P.S.- Sultanganj, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Senior Advocate
	Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s :	Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-02-2026 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Sultanganj P.S. Case No.30 of 2025 registered for the offences punishable under Sections 8, 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (in short 'N.D.P.S. Act').

3. The accused/petitioner is named in the FIR and is in custody since 16.06.2025.

4. Allegation against petitioner is to have in possession of 61.150 kg of *ganja*, which was alleged to be recovered from the house of co-accused. However, petitioner managed to escape from the place of recovery.



5. Mr. N.K. Agrawal, learned senior counsel appearing for the petitioner submitted that admittedly the recovery of contraband was made from the house of co-accused Vikash Kumar and as petitioner being co-villagers co-incidentally present over there, he was implicated with present case also, without any cogent material. It is submitted by Mr. Agrawal that petitioner was not apprehended on spot and he on his own surrendered before the court of law. It is submitted that the investigation of this case already concluded and charge-sheet has been submitted, which was incomplete for the reason that same was submitted without obtaining any FSL report just to defeat the default bail of petitioner in view of Section 187 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS'). In this context, it is further submitted that this issue is pending before Hon'ble Supreme Court for larger consideration in the matter of **Divyas Bardewa vs. Narcotics Control Bureau**, and till then, petitioner may be released on bail. The petitioner claimed clean antecedent.

6. Learned APP opposed the prayer for grant of bail



to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as admittedly the contraband i.e. *ganja* appears to be recovered from the house of co-accused Vikash Kumar, where name of this petitioner transpired on the basis suspicion arising out of disclosure made by apprehended co-accused, coupled with the fact that charge-sheet said to be submitted incomplete, as mentioned aforesaid, where petitioner remains in custody since 16.06.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal District and Sessions Judge, Bhagalpur in connection with Sultanganj P.S. Case No.30 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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