

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77897 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- BALIA BELON District- Katihar

1. Ankit Kumar S/O Lalan Sharma R/O-Bhagwanpur Naugachia, P.S-Dholbazza, Dist- Bhagalpur, Bihar.
2. Banti Kumar @ Sagar S/O Ajay Mandal @ Ajay Ray R/O Village- Bhihta Tola, P.S- Chausa, Distt.- Madhepura- 853204.

... .. 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. Akash Priye, Advocate Mr. Anurag Darshi, Advocate Mr. Kumar Saurav Dev, Advocate
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 04-02-2026 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Balia Belon P.S. Case No. 116 of 2025, instituted for the offences punishable under Sections 8, 20(b)(ii)(B) and 25 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 12.635 Kg of Ganja from a car in which the petitioners along with other co-accused persons were travelling.



4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners further submitted that the petitioners have got no concern with the alleged recovery of ganja. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners are in custody since 26.07.2025. Petitioner no. 1 has got one criminal antecedent in which he is on bail and petitioner no. 2 has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let petitioner no. 1 be released on bail *after framing of charge, if not already framed*, and petitioner no. 2 be released on bail on furnishing bail bonds of Rs.15,000/-



(Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Balia Belon P.S. Case No. 116 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the prosecution will have liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Rajorshi/-

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