

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74442 of 2025**

Arising Out of PS. Case No.-80 Year-2025 Thana- ATHMALGOLA District- Patna

Navlesh Kumar S/o Meghan Rai R/o Naya Tola Sabnima, P.S.- Athmalgola,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 03-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
(NDPS) Case No. 191 of 2025 arising out of Athmalgola P.S.
Case No. 80 of 2025 instituted for the offences under Sections
20, 40 of the NDPS Act.

3. Prosecution allegation, in short, is that the total 42
kilogram of *ganja* has been recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 05.03.2025 and
has got one criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. No



incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made near the railway trap in a heap of paddy husk. Learned counsel further submits that there is no compliance of Sections 42 and 50 of the NDPS Act and also of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that the recovery of 42 kilograms of ganja has been made on the basis of disclosure made by the petitioner.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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