IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75723 of 2026

CNR No. BRHC011098542026

Arising Out of PS. Case No.-48 Year-2026 Thana- Narhiya District- Madhubani

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Ashish Kumar S/o Hari Narayan Ram R/o - Shyam Nagar Rampur, Ward No.12, P.S - Pipra, District - Supaul.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Narahiya P.S. Case No.48 of 2026, dated 25.05.2026, instituted for the offence punishable under Sections 8, 20(b)(ii) C, 22(C), 25 of the NDPS Act.

3. The allegation is of recovery of 28 kg of ganja like substance containing in 4 bags kept over the sleeper seat no.1 & 2 of Maa Durga Rath Bus bearing Registration No. BR-06-PF-3694.

4. Learned counsel for the petitioner submits that the F.I.R. has been lodged against the five named accused persons including the petitioner. It is submitted that nothing has been

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recovered from the conscious possession of the petitioner. As per the F.I.R., 4 bags have been recovered from the sleeper seat of the bus. Only on the basis of suspicion, the petitioner has been made accused in this case. It is further submitted that the seizure list has been prepared by the police in which 7 kg of ganja like substance were recovered from American Tourister bag allegedly belonging to the petitioner. It is further submitted that the prosecution case stands falsified against the petitioner since there is allegation that four bags were recovered from the sleeper seat of the bus. It is further submitted that the allegation against the petitioner is of keeping 7 kg of ganja like substance which is more than small quantity but less than commercial quantity. It is submitted that similarly situated co-accused person namely Mukesh Kumar has been enlarged on bail vide order dated 15.10.2026 passed in Cr. Misc. no. 74915 of 2026 by a coordinate Bench of this Court. Lastly, it is submitted that the petitioner is in custody since 26.05.2026 having no criminal case against him. On these grounds, learned counsel for the petitioner prays that the petitioner be enlarged on regular bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let

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the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Principal Sessions Judge, Madhubani, in Narahiya P.S. Case No.48 of 2026, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Girijish Kumar, J)

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