

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76068 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- KANHAULI District- Sitamarhi

Atmaram Rai S/o Upendra Rai Resident Of Village- Ga. Bi. Sa. Bagdah, Ward
No 5, Thana- Bagdah, District- Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 16-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 8, 20(B)(ii)(B) of the
N.D.P.S.

3. As per the prosecution case, on the basis of
secret information, the petitioner was chased and apprehended
along with his motorcycle. Upon search, 10 kg of *ganja* was
recovered from under the seat in a red foil, and a white sack
was tied to the motorcycle.

4. Learned counsel for the petitioner submits that
no doubt recovery of 10 kg of *ganja* like substance has been
shown from the motorcycle, which it has been alleged that the
petitioner was riding, the said motorcycle did not belong to him
and he had no knowledge of the said substance being present
under the seat of the said motorcycle. It has further been



submitted that the mandatory provisions under the N.D.P.S. Act were also not followed and the recovery is that of an intermediate quantity of *ganja*. The petitioner is in custody since 09.07.2025 with no criminal antecedent and charge-sheet has been submitted.

5. Learned APP for the State opposed the grant of bail considering the fact that the recovery of narcotic was made from the motorcycle upon which the petitioner was riding, who was chased and caught along with motorcycle and the said seizure was made in the presence of witnesses, hence, the petitioner does not deserve the privilege of bail.

6. Taking into consideration the facts and circumstances and considering the fact that petitioner was chased and arrested along with motorcycle from which recovery of 10 *ganja* was made, this Court is not inclined to grant the privilege of bail to the petitioner at this stage. Accordingly, the prayer of the petitioner for bail is hereby rejected in connection with Kanhauli P.S. Case No.105 of 2025.

(Soni Shrivastava, J)

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