IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78810 of 2026

CNR No. BRHC011120592026

Arising Out of PS. Case No.-209 Year-2026 Thana- HATHAURI District- Muzaffarpur

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Shambhu Rai @ Bodhi Rai S/O Kamal Rai R/O Village- Berai Dakshni, P.S.- Hathauri, Distt.- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nitu Kumari, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP.ss

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Hathauri P.S. Case No. 209 of 2026, registered for the offences punishable under Section 8(c), 20(B)(ii)/B of the NDPS Act.

3. Allegedly, on the tip-off regarding the storage and sale of ganja, the police conducted a search of the petitioner’s house in presence of the Revenue Officer and 1.039 kg of ganja-like contraband was recovered from a black polythene, concealed near the rear wall of the house.

4. The learned counsel for the petitioner has

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submitted that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the conscious possession or residential house of the petitioner. He has further submitted that in course of investigation, not a single independent witness came forward to support the prosecution case. He has also submitted that the petitioner has been made accused due to high-handedness of the local police. He has next submitted that the quantity of the recovered contraband is slightly more than a small quantity which falls within the ambit of intermediate quantity. He has further submitted that the provisions of Section 50 of the NDPS Act have not been complied with. The petitioner is a person of clean antecedent and, has been in judicial custody since 26.08.2026. Lastly, learned counsel for the petitioner has undertaken that the petitioner shall cooperate with the trial and shall not indulge in the commission of any offence in future.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the entire facts and

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circumstances of the case, coupled with the fact that the petitioner has clean antecedent and the recovered contraband falls within the category of intermediate quantity which is slightly more than a small quantity, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Principal District and Sessions Judge-cum-special Judge/concerned Court, Muzaffarpur in connection with Hathauri P.S. Case No. 209 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if

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he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall be no delay in verifying the criminal antecedent of the petitioner and the delay shall not extend beyond a period of ten days.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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