IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 77539 of 2026

CNR No. BRHC011131462026

Arising Out of PS. Case No.-472 Year-2026 Thana- GHOSI District- Jehanabad

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Rakesh Chandra Sharma @ Ulli Sharma @ Sadhuji S/O Late Baleshwar Sharma R/V- Dehuni, PS- Ghoshi, Distt- Jehanabad

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner and the learned APP for the State.

2. The petitioner, who is in custody, seeks bail in connection with Ghoshi P.S. Case No. 472 of 2026 registered for the offence(s) punishable under Section(s) 8A(c) and 20(b)(ii)(b) of the N.D.P.S. Act.

3. As per the F.I.R., the police received secret information that the petitioner along with one Jitendra Sharma was indulged in selling and purchasing of *ganja*. The police conducted a raid and one person, who was trying to flee was apprehended, who disclosed his name as Rakesh Chandra Sharma (the petitioner). On search, total 4 kg 611 grams of *ganja* was recovered from the house of the petitioner and thereafter, on the disclosure made by the petitioner, 466 grams of *ganja* was recovered from the house of the co-accused Jitendra Sharma.

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4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no such recovery as alleged has taken place. It has further been submitted that the petitioner is a 72 years old person and the recovery has been made from the house of joint family property and not from the conscious possession of the petitioner. It has next been pointed out that the recovered *ganja* falls under the intermediate category and therefore, the restrictions under Section 37 of the NDPS Act is not attracted in the present case. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 17.09.2026.

5. The learned APP for the State has vehemently opposed the prayer for bail.

6. Having heard the learned counsel for the parties and considering the fact that the petitioner is a 72 years old person and the recovery has been made from the house of the petitioner and not from his conscious possession and moreover, the total recovered amount falls under the intermediate category, let the petitioner, above-named, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Ghoshi P.S. Case No. 472 of 2026, subject to the following conditions:-

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(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his/her bail bonds.

(v) The concerned Court shall verify the criminal antecedents of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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