**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.78882 of 2026**
**CNR No. BRHC011159142026**
Arising Out of PS. Case No.-76 Year-2026 Thana- GHURNA District- Araria

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Subodh Kumar Mandal S/o Late Manoj Mandal Resident of Village- Kadwa Borwa Tola, P.S.- Naugachhia, District- Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. PN Shahi, Sr. Adv
: Mr. Arvind Kumar, Adv
: Ms. Rasika, Adv
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**

ORAL ORDER

2 05-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Ghurna P.S. Case No. 76/2026 registered for the offence under Sections 8, 20(b) (ii) (c) and 25 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 05.09.2026.

4. As per FIR, petitioner alleged to have unexplained cash of Rs. 6,50,000/- what he possessed for purchasing *ganja* from one Pravez, Samsher and Shakeel residing near to Nahurva Parsa.

5. Mr. P.N. Shahi, learned sr. counsel appearing on behalf of the petitioner submitted that FIR categorically speaks that only cash was recovered from this petitioner and this

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petitioner infact lead the entire police team to recover *ganja* from the house of co-accused persons. It is submitted that it was petitioner, who offered to police that he can help them to tracking accused persons and also made hold to recover the contraband from their possession. It is submitted that in such view of factual aspect, petitioner who may be the witness of the occurrence, made an accomplice. It is pointed out that the vehicle of the petitioner was with the police personnel/informant before seizure of contraband. It is submitted that two separate seizure list was prepared one for recovery of cash and other for recovery of contraband. It is pointed out that admittedly cash was recovered from the same vehicle but intentionally vehicle number was not put on seizure list rather it was mentioned in the subsequent list, showing recovery of contraband which was prepared at about 2:00 PM. Admittedly the vehicle at 10:15 AM was not possessing alleged contraband and when it was taken to the house of co-accused persons on instance of petitioner with the informant, the contraband was kept inside vehicle in presence of police personnel who were in civil dress. It is submitted that all this factual aspect categorically suggest that though the vehicle number was shown in the seizure list, it is not a case, where recovery was made from the vehicle of the petitioner. It is further

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pointed out that seizure list appears disputed being not supported by independent witnesses and also compliance of Section 103(4) of the BNSS regarding search of the premises not appears followed beside provisions regarding search, sampling and seizure (SSS) appears also disputed, however it is submitted by Mr. Shahi that petitioner is not concerned of all such discrepancies as admittedly the contraband was not recovered from his vehicle.

6. It is submitted by Mr. Shahi that petitioner be alleged maximum to have unexplained cash of Rs. 6,50,000/-, who is a man of clean antecedent.

7. Learned APP while opposing the prayer of bail submitted that in present case commercial quantity of *ganja* was recovered, but he could not disputed aforesaid factual submission for the reason that same was raised by learned counsel for the petitioner by taking reference of the FIR, itself.

8. In view of aforesaid factual submission and by taking note of fact as implication of this petitioner prima-facie appears due to suspicion as he was in possession of unexplained cash of Rs. 6,50,000/- and as disclosed that it was for purchasing *ganja*/contraband, coupled with fact as no contraband was recovered from his vehicle as discussed aforesaid, wherein petitioner being a man of clean antecedent remains in custody

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since 05.09.2026, accordingly petitioner above named, is directed to be released on bail in connection with Ghurna P.S. Case No. 76/2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-the Special Judge NDPS Act, Araria/concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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