

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82112 of 2025

Arising Out of PS. Case No.-77 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

Sunil Kumar, S/o Kail Yadav, R/o vill - Ganga Sagar, P.S.- Makhdumpur
(Tehta), Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 22-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Makhdumpur P.S. Case No. 77 of 2025 registered for the offence punishable under Sections 20 and 22 of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that from the house of this petitioner, altogether 11 sacks of ganja like plant were recovered which were weighed and the weight is 71.08 kg in raw form. The informant has also stated that after drying, the weight will substantially reduce.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this



case. From perusal of the F.I.R. itself it is clear that the recovery was made from the courtyard. It has further been submitted that nothing has been recovered from his possession. It has finally been argued that from perusal of the entire diary, it is clear that I.O. has not weighed the seized green plants after drying and has not ascertained as to what was actual amount of ganja in that plants as only the leafy part of the plant is ganja. It has branches and stems also. It has further been submitted that as the I.O. has not ascertained the weight of ganja, the rigors of Section 37 of the NDPS Act should not be applied against the petitioner. It has also been submitted that similarly situated co-accused Kail Yadav has been granted bail by learned Co-ordinate Bench vide Cr. Misc. No. 41773 of 2025. The case of this petitioner stands on similar footing. Petitioner is having one criminal antecedent in which he is on bail. He is languishing in judicial custody since 12.09.2025.

5. Learned APP appearing for the State has vehemently opposed the application for bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties
of the like amount each to the satisfaction of the learned
Principal District Judge, Jehanabad in connection with
Makhdumpur P.S. Case No. 77 of 2025.

(Ashok Kumar Pandey, J)

lata/-

U		T	
---	--	---	--

