

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87543 of 2025

Arising Out of PS. Case No.-239 Year-2025 Thana- SONBERSA District- Sitamarhi

Jamaluddin Dhuniya S/o Husaid Dhuniya R/o Village - Parsa, P.S - Parsa
Bazar, District - Sarlahi, Country - Nepal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the State : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 239 of 2025 registered for the offences punishable under Sections 8, 20(b) (ii) (B) of NDPS Act.

3. As per prosecution case, petitioner is said to have been apprehended by the police personnel and upon search, 4.8 kg. ganja like substance was recovered from the bag of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is in custody since 18.08.2025 and bears no criminal antecedent. He further submits that mandatory



provision of Section 185 BNSS has not been followed as while preparing the seizure list no audio-video graphics has been made. He further submits that alleged recovery of 4.8 kg. ganja from bag of the petitioner is more than small quantity and much less than commercial quantity. He further submits that alleged recovery has been made in day light i.e. 12:10 PM but no independent witness has been made seizure list witnesses rather both the seizure list witnesses are member of police team. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that 4.8 kg. ganja was recovered from the bag of the petitioner and hence, he does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs.



25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS Act), Sitamarhi in connection with Sonbarsa P.S. Case No. 239 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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