

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90106 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- MUSAHARI District- Muzaffarpur

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Bharat Kumar S/o Baidyanath Sahni @ Bainath Sahani Resident of village -
Bochahan Dharna @ Bhagawanpur Bochaha, P.S - Bochaha, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-01-2026 Heard the parties.

Petitioner seeks regular bail in connection with
Mushahari P.S. Case No. 131 of 2025 registered for the offences
under Section 317(5) of the BNS, Sections 25(1-B)(a) 26 and 35
of the Arms Act and Sections 8 and 20(b)(ii)(B) of NDPS Act.

3. As per allegation, from the possession of this
petitioner a wrapped packet was recovered and upon opening it,
total 1.85 kg of Ganja like substance was found, from
possession of co-accused alok kumar, a loaded country made
pistol was recovered and a motorcycle was also recovered, no
document relating to the recovered articles were produced by
the petitioner or the co-accused persons which are alleged to
have been looted by them.



4. The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail since 08.06.2025 though against him, there are criminal antecedent of eight cases, he has been granted bail in five of those cases. In the instant matter relates to the alleged recovery of 1.850 kg ganja like substance which is only slightly above the small quantity. It is further submitted that the trial of the petitioner has started after the framing of charges upon him and the police did not comply with the provisions of section 50 of the NDPS act as well as section 103 of the BNS.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the petitioner's criminal history of eight cases and the recovery of alleged Narcotic contraband which falls in the purview of intermediate quantity and the same is alleged to have been recovered from his possession and also considering the prosecution allegation that this petitioner and two co-accused attempted to flee on seeing the police party and from possession of one co-accused, loaded country made pistol was recovered, in my opinion, it is not a fit case for grant of bail. Accordingly, his bail prayer stands rejected.

7. The petitioner's trial has started, so, the trial court



shall expedite the trial of the petitioner. The petitioner may
renew his prayer for bail after six months or after examination
of the witnesses of the seizure.

(Shailendra Singh, J)

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