

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91807 of 2025

Arising Out of PS. Case No.-288 Year-2025 Thana- NAUGACHIA District- Bhagalpur

Gunjan Kumar Son of Sanjay Kumar Sharma @ Sanjay Sharma R/o Village -
Bhavanipur, Sahu Tola Naugachhia, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Naugachhia P.S. Case
No. 288 of 2025, instituted for the offences under Sections 8(C)
21(C) , 25 and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that the 723.67
gram of brown sugar (smack) has been recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 08.09.2025 and
has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Learned
counsel further submits nothing has been recovered from the
premises and possession of the petitioner. The provision of
Sections 42 and 50 of the NDPS Act has not been complied.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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