

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2944 of 2026

Arising Out of PS. Case No.-1462 Year-2025 Thana- PHULWARISHARIF District- Patna

Md. Shahnabaj @ Md. Danish, aged about 22 years, Male, Son of Md. Firoz @ Pappu Resident of Village - Baitul Karim Masjid Nayatola, P.S.- Phulwarisharif District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Faiz Naseem, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2.The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1462 of 2025 instituted for the offences punishable under Sections 8, 20(b) (ii)(B) of the NDPS Act.

3. The allegation against the petitioner is that 2.480 kg of Ganja was recovered from his conscious possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the recovery of Ganja comes under the preview of 2.480 kg which is less than commercial quantity. He next submits that there is no any independent witness of the seizure list and the so called



seizure witnesses were police personnel. He lastly submits that the petitioner has falsely been implicated in this case and nothing has been recovered from the conscious possession of the petitioner. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 04.09.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR and impugned order of the learned Sessions Judge / Special Judge (NDPS), Patna dated 27.09.2025, it appears that petitioner is named in the FIR. From perusal of the records, it also appears that on the basis of written report of the informant, namely Kundan Kumar, ASI, Phulwarisharif, FIR has been registered under Sections 8, 20(b) (ii)(B) of the NDPS Act against the present petitioner and the allegation against the petitioner is that recovery of 2.480 kg of Ganja. The recovery of Ganja which falls beyond the category of small quantity as per Narcotic Drugs and Psychotropic Substance Act.

7. Considering the aforesaid facts and circumstances of the case and submission of learned counsel for the petitioner that recovery of *Ganja* comes under the preview of less than commercial quantity, I am inclined to grant bail to the petitioner.



8. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge / Special Judge (NDPS) Patna in connection with Phulwarisharif P.S. Case No. 1462 of 2025.

(Ramesh Chand Malviya, J)

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