

In the Court of Sessions Judge/Special Judge (NDPS), Patna

BAIL APPLICATION No.- 508/2026

Shailendra Mistri & Anr.

Petitioner

Vs.

The State of Bihar

Opposite party

Date

ORDER

06-03-2026

1. This regular bail application has been filed on behalf of accused-petitioner **Shailendra Mistri and Govind Kumar**, who are in judicial custody since 20.01.2026, in connection with **Beur P.S. Case No.41/2026** dated 19.01.2026, instituted for an offence under Sections 8, 20(b)(ii)(B) of NDPS Act.
2. Heard Sri Shiv Shankar Kumar, learned counsel for the accused-petitioners and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution case, in brief, is that on 19.01.2026 during a vehicle checking drive, the petitioner riding a pulsar motorcycle bearing Registration No.BR-01BR-2162 was coming from the side of Brahmapur who tried to flee away after seeing the police but were somehow caught. They disclosed their names as Shailendra Mistri and Govind Kumar. During search, a polythene bag containing ganja weighing 289 grams was recovered from the possession of petitioner No.1 Shailendra Mistri and a mobile phone from the pocket of petitioner no. 2 Govind Kumar. They disclosed that on the direction of one Jitendra Kumar Singh, owner of a five-storied house near Beur Jail, they threw this ganja to one Vikki Kumar, lodged in Beur Jail. It is alleged that on their disclosure, the police went to the said house where co-accused Jitendra Kumar Singh was arrested. He disclosed that the alleged ganja is sent by the co-accused Dhananjay Prasad and he gets the said ganja thrown inside the jail. On the disclosure on Jitendra Kumar Singh, police reached the house of Dhananjay Prasad where he was arrested. During search, a polythene bag containing ganja weighing 761 grams was recovered from his kitchen.
4. Learned counsel for the petitioners submitted that the petitioners are innocent, committed no offence and have falsely been implicated in this case. It was next submitted that petitioner no. 1 has one criminal antecedent being in which he is on bail and petitioner no.2 bears clean criminal antecedent. It was next submitted that the weight of the ganja

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**Contd.....
(06-03-2026)**

which has been alleged to be recovered from the possession of the accused persons is along with the weight of the polythene, thus the alleged recovery falls within small quantity under the NDPS Act. The petitioners are in custody since 20.01.2026. On these grounds, prayed for privilege of regular bail.

5. On the other hand, learned Special Public Prosecutor though opposes the prayer for grant of bail to the petitioners, however, is not in a position to contradict the submissions made on behalf of the petitioners.
6. Considering the quantum of recovery of ganja from the possession of the accused persons, i.e. 1050 grams, which according to the submission of learned counsel for the petitioners is the weight of the ganja along with the polythene bags; submission of learned counsel for the petitioners that the weight of the ganja falls just beyond the category of small quantity as per the Schedule of Narcotic Drugs and Psychotropic Substances Act, 1985; nature of offence i.e. severity of punishment in the event of conviction; period undergone in custody; let the petitioners be enlarged on bail.
7. The accused-petitioners **Shailendra Mistri and Govind Kumar** are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of this Court with condition that one of the bailors shall be close relative of the petitioners with further condition that he would co-operate in the investigation/trial of the case.

(Dictated)

(Rupesh Deo)
Sessions Judge/Special Judge (NDPS),
Patna

Date of Judgment/Order	06.03.2026
Date of Reserving Judgment/Order	26.02.2026
Uploading Date	06.03.2026
Uploaded by	Abhinav/-