IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 5641 of 2026

Prahallad Putty @ Prahlad Putty @ Prahalad Puti @ Prahallad Puty, aged about 25 years, Son of Santosh **… … Petitioner**

Versus

The State of Jharkhand **… … Opposite Party**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Harsh Preet Singh, Advocate
For the Opp. Party-State : Ms. Priya Shrestha, Advocate

02/**06.07.2026**

1. Heard the learned counsel appearing on behalf of the parties.

2. Learned counsel for the petitioner submits that the petitioner is in custody since 17.10.2025 in connection with Baharagora P.S. Case No. 73 of 2025 for the alleged offence registered under Section 20(b)(ii)B, 25 and 29 of the N.D.P.S. Act pending in the court of learned Special Judge N.D.P.S Ghatsila as N.D.P.S. Case No. 72 of 2025.

3. Learned counsel for the petitioner has submitted that the petitioner has no criminal antecedent and he is in custody since 17.10.2025. He has further submitted that the bail application of the petitioner was rejected earlier in B.A. No. 1299 of 2026 vide order dated 10.03.2026 by this Court and at that point of time, seizure witnesses were not examined and the allegation against the petitioner is that the petitioner was the rider of the motor cycle and 5 kg of Ganja was recovered from the possession of the person who was the pillion rider, who is the co-accused in this case.

4. Learned counsel has further submitted that the co-accused has been enlarged on bail by co-ordinate bench of this Court in B.A. No. 1181 of 2026 vide order dated 15.04.2026.

5. He has further submitted that after the order of rejection, two prosecution witnesses, who were the seizure witnesses have been examined before the learned court. Their cross examination reveals

that they have not fully supported the prosecution case, rather one of the witnesses have stated that he was at 20-25 meters away and he could not say as to what was recovered.

6. He has also submitted that the petitioner does not have any criminal antecedent.

7. Learned counsel appearing on behalf of the opposite party-State has opposed the prayer for bail and has submitted that even if the alleged recovery is of intermediary quantity, but there is presumption of guilt under Section 35 of N.D.P.S. Act and since the substance was recovered from the joint possession of the petitioner and the co-accused, the petitioner may not be enlarged on bail. Learned counsel for the State is not aware about the criminal antecedent of the petitioner.

8. After hearing the learned counsel for the parties and considering the fact that the co-accused has been enlarged on bail by co-ordinate bench of this Court and also it appears that the seizure witnesses are alleged not to have fully supported the prosecution case and the petitioner does not have any criminal antecedent, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge N.D.P.S. Ghatsila in connection with Baharagora P.S. Case No. 73 of 2025 corresponding to N.D.P.S. Case No. 72 of 2025 on the following conditions:

(i) One of the bailors would be the present *pairvikar* of the petitioner.

(ii) The other bailor should be his close relative.

(iii) The petitioner will attend the court on each and every date and on account of his single default, the learned court shall cancel the bail bond furnished by the petitioner.

(iv) The petitioner will deposit a self-attested copy of his Aadhar Card along with his mobile number before the

learned court which he will not change during the pendency of the case without prior permission of the court.

(v) The petitioner shall fully co-operate with the proceedings before the learned court below.

9. The instant bail application is allowed with the aforesaid conditions.

10. However, the learned court, before releasing the petitioner on bail, shall call for a criminal antecedent report of the petitioner from the state and if any antecedent is found, the petitioner shall not be enlarged on bail.

11. Let a copy of this order along with a copy of the affidavit filed with the bail petition be communicated to the court concerned through 'FAX/E-mail'.

(Anubha Rawat Choudhary, J.)

06.07.2026
Rakesh/-
Uploaded on:-09.07.2026