

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3559 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- FULKAHA District- Araria

Md. Tausif Raja @ Md. Tausif @ Tausif S/O Md. Sabir Resident of Pathraha,
Ward no. 12, P.S.- Ghurna, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Ms.Diksha Kumari, Advocate
For the State	:	Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 19-09-2025 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

2. This is the second attempt on behalf of the petitioner for grant of bail in connection with Fulkaha P.S. Case No. 40 of 2024 registered for the offence punishable under Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act.

3. Earlier the bail application of the petitioner has been rejected vide order dated 26.06.2024 passed in Cr. Misc. No. 43354 of 2024, which reads as under:

“Heard the learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in the present case registered for the offence under Section 8, 20(b)(ii)(c) of the N.D.P.S. Act.

3. As per the prosecution case, 27 Kg of Ganja has been recovered from the possession of the petitioner and the driver of the



motorcycle. Petitioner is in jail since 23.03.2024.

4. Considering the huge recovery of ganja, I am not inclined to grant bail to the petitioner.

5. Accordingly, this application for regular bail is rejected.”

4. In the trial, out of six witnesses, two witnesses have been examined.

5. Mr. N. K. Agrawal, learned Senior Counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in the case of **Ankur Chaudhary vs. State of Madhya Pradesh** reported as **2024 SCC OnLine SC 2730** and submits that when the trial is delayed in spite of bar of Section 37 of the NDPS, the accused can be granted bail by this Court.

6. The petitioner is in custody since 22.03.2024.

7. Considering the period of custody, delay in trial and the judgment of the Hon'ble Supreme Court in the case of **Ankur Chaudhary** (supra), this application is allowed.

8. 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 Special Judge, Araria/ concerned Court in connection with Fulkaha P.S. Case No. 40 of 2024, subject to the condition that both the bailors should be the close relative of the petitioner.



9. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on each and every date fixed in the trial. Noncompliance of the condition will result in cancellation of the bail bonds of the petitioner.

10. The petitioner will also mark attendance in Ghurna Police Station, District-Araria, Bihar on every Sunday of the month. Any default in appearance at the Police Station would result in cancellation of bail bonds of the petitioner.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

