

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10430 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- SARSI District- Purnia

Gulshan Kumar Yadav @ Gulshan Kumar S/o Manoj Yadav R/o P.O. and P.S.
- Banmankhi, Distt.- Purnia, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Prabhakar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
counsel for the informant.

2. Petitioner is in custody in a case registered for the
offence under Section 8(C), 21(b), 21(c), of the NDPS Act.

3. As per the allegation in the FIR, informant got a
secret information that a consignment of smack is likely to
deliver at Jiyaganj after which, the police reached at the place of
occurrence where he found four persons were sitting and after
seeing the police party they tried to ran away but were
apprehended and disclosed their names as Rahul Kumar, Vijay
Kumar Agarwal, Dharmendra Yadav and Saurav Kumar. On
search 102 grams smack recovered from Vijay Kumar Agarwal,
102 grams smack recovered from Rahul Kumar, 102 grams



smack from Saurabh Kumar and 06 grams smack recovered from the accused, namely, Dharmendra Yadav.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is not named in the FIR and name of the petitioner has been transpired from the confessional statement of apprehended persons. He further submits that similarly situated co-accused persons, namely, Rahul Kumar, Dharmendra Yadav, Vijay Kumar Agarwal and Saurabh Kumar have also granted bail by different co-ordinate Benches of this Court vide order dated 07.03.2025, 21.11.2024 20.11.2024 and 21.02.2025 passed in Cr. Miscellaneous Nos. 3089 of 2025, 80334 of 2024, 58772 of 2024 and 86306 of 2024, respectively. He next submits that no incriminating article has been recovered from the conscious possession of the petitioner and petitioner was not arrested from the spot. He further submits that petitioner has got four criminal antecedents and he is in custody since 07.12.2024.

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

6. On perusal of the First Information Report, case diary and impugned order dated 17.01.2025, it appears that



nothing has been recovered from the conscious possession of the petitioner and petitioner is not named in the FIR name of the petitioner has been transpired from the confessional statement of the apprehended co-accused persons, namely, Rahul Kumar, Dharmendra Yadav, Vijay Kumar Agarwal and Saurabh Kumar have also granted bail by the different co-ordinate Benches of this Court vide order dated 07.03.2025, 21.11.2024 20.11.2024 and 21.02.2025 passed in Cr. Miscellaneous Nos. 3089 of 2025, 80334 of 2024, 58772 of 2024 and 86306 of 2024, respectively. So, considering the aforesaid facts and circumstances of the case, submission of learned counsel for the petitioner, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge (NDPS Act), Purnea in connection with Sarsi P.S. Case No.104 of 2024.

(Ramesh Chand Malviya, J)

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