

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32661 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- CHARPOKHARI District- Bhojpur

Sushil Pandey @ Sushil Kumar Padey S/o Kamlesh Pandey R/o Village-
Nagri, P.S.- Charpokhari, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in connection
with Charpokhari P.S. Case No. 56 of 2025, dated 25.02.2025,
lodged under Section 20(B)(ii)B and 22(b) of the NDPS Act.

3. As per the prosecution, total recovery of 1.900 Kg
ganja has been made, which is the subject matter of the present
case.

4. Learned senior counsel for the petitioner submits
that the petitioner is innocent and has committed no offence. He
further fairly submits that prior to this case, there is one criminal
case under the NDPS Act pending against him, in which the
petitioner was convicted, but bail has been granted to him in the



criminal appeal. He further submits that another case under the Indian Penal Code is also pending against him, in which he is on bail. He further submits that despite the fact that his antecedents are not clean, no case is made out against the petitioner because the alleged recovery was not made from the petitioner's possession, but rather from the house of Prince Singh. He further submits that the petitioner is alleged to have fled from the said place and that his name was disclosed by the local chowkidar due to enmity. It is also alleged that the petitioner used to keep those articles in a rented house and was engaged in the said business, but the petitioner was not present at the place of occurrence at all and has no concern with the alleged contraband.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that, although no recovery has been made from the petitioner's possession, his antecedents are not clean. He further submits that the quantity of ganja seized is 1.900 kg, which is much less than the commercial quantity.

6. As such, in the present facts and circumstances of this case, let the above-named petitioner be released on anticipatory bail, in the event of arrest or surrender before the



Trial Court, within a period of four weeks from today, on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023, to the satisfaction of the Principal District Judge, Bhojpur at Ara, in connection with Charpokhari P.S. Case No. 56 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS, 2023, as well as with the condition:-

(i) The Trial Court shall verify the criminal antecedents of the petitioner, and in case it is found at any stage that the petitioner has concealed his criminal antecedents or is found involved in such conduct in the future, the Trial Court shall take appropriate steps for cancellation of the petitioner's bail bond. However, the acceptance of the bail bond in terms of this order shall not be delayed on the ground of or in the name of verification.

(Dr. Anshuman, J.)

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