

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33345 of 2025

Arising Out of PS. Case No.-104 Year-2016 Thana- KURSAILA District- Katihar

Sushil Kumar S/o Lucho Mandal R/o Chandsuri Tola, Ward No. 7, Bhatgawn,
P.S.- Chausa, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kursela P.S. Case No. 104 of 2016, registered for the offences under Sections 20, 22 of the NDPS Act.

3. As per the prosecution case, during night patrolling, police found two motorcycles parked in suspicious condition. On further search, three persons were found standing nearby who started running away on seeing the police party and one of them was apprehended. This apprehended person disclosed the name of two co-accused persons who were unloading *ganja* and keeping the same in a thatched hut. When the hut was searched recovery of 520.100 kg *ganja* was made. Two motorcycles were also seized and petitioner is stated to be owner of one of the



motorcycles.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the seized *ganja* and nothing incriminating has been recovered from person or possession of this petitioner. The petitioner has been made accused merely on suspicion that his motorcycle was seized from the spot and the said motorcycle was being used by the co-accused persons but the co-accused persons did not disclose the name of this petitioner. Even if the motorcycle of the petitioner was used by the co-accused persons, the petitioner could not be made accused for dealing with the contraband seized in the present case. Learned counsel further submits that the co-accused who was apprehended from the spot namely Navin Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 01.03.2017 passed in Cr. Misc. No. 3255 of 2017 and other similarly placed co-accused Chhotu Kumar has been granted bail by this Court vide order dated 19.02.2025 passed in Cr. Misc. No. 6436 of 2025. The petitioner is in custody since 24.01.2025 and he has no criminal antecedent. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the



submission made on behalf of the petitioner. Learned A.P.P. submits that the name of the petitioner surfaced in this case during investigation as his motorcycle was found parked near the place of occurrence and it was used for transportation of *ganja*.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from conscious possession of this petitioner and also considering lack of material against the petitioner to show his involvement and further considering his period of custody and submission of charge sheet & his clean antecedent, the petitioner is 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 learned Sessions Judge, Katihar/concerned court, in connection with Kursela P.S. Case No. 104 of 2016, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court



below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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