

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38163 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- PATNA GRP CASE District- Patna

Rohit Kumar S/o Prithwi Singh @ Prithvi R/o F/412, Sultanpuri, Rajpark,
Ashok Vihar, P.S-Sultanpuri, Dist- New Delhi.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Nagmani Kumar, Advocate.
For the State : Mr. B.N. Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

- 4 15-11-2025 1. By means of this bail application, petitioner, who is involved in connection with Patna GRP (Rail Thana) P.S. case no.173 of 2025, district-Patna, registered for the offences punishable under Sections 303(2), 317(2), 317(5), 111 and 112 of BNS and 20, 22 and 24 of N.D.P.S. Act, seeks enlargement on bail during the pendency of trial.
2. Heard learned counsel for the petitioner and Mr. B.N.Pandey, learned Additional Public Prosecutor representing the State.
3. As per prosecution case, in brief, on 08.03.2025, railway police received information that a gang of seven or eight persons of thieves was about to alight at Patna Junction from the Dakshin Bihar Express. They deceive passengers, steal their jewelry, money, mobile phone, etc. In follow up action, seven



persons were apprehended including the petitioner-Rohit Kumar and from the bag of the petitioner, 7 kilogram Ganja, one mobile phone, one gold mangalsutra, two pearl beads strung in a neckless and two gold rings were recovered.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Alleged recovery of 7 Kilogram Ganja was planted by the railway police, which is below the commercial quantity. Sampling has not been done in accordance with law. There is violation of Section 52A of the N.D.P.S. Act. There is no independent witness of the alleged recovery. The petitioner has one criminal history to his credit being Hansi Sadar Thana (Hisar) P.S. Case No.187 of 2023, registered under Section 379 of I.P.C. in which he is on bail. There is no criminal history of the petitioner for the offence punishable under the N.D.P.S. Act. Lastly, it is submitted that petitioner is languishing in jail since 09.03.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R. by contending that innocence of the petitioner cannot be ad-judged



at pre-trial stage.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that a recovery of 7 Kilogram Ganja from the possession of the petitioner has been shown, which is below the commercial quantity, as such, provision of Section 37 of the N.D.P.S. Act is not attracted in the present case. Investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 09.03.2025 has made out a prima facie case for bail.



8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the petitioner- Rohit Kumar, be released on bail in the aforesaid case on furnishing a personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand) and two sureties each in the like amount to the satisfaction of the concerned Court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to



conclude the trial of the petitioner expeditiously without
granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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