

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37277 of 2025

Arising Out of PS. Case No.-140 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Awadhesh Rai @ Awdhesh Rai Son of Shiv Ratan Rai Village- Bharat Nagar,
Police Station- Gaighat Now Benibad, District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Dev, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-06-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with N.D.P.S. Case No. 41 of 2025 arising out of Gaighat (Benibad O.P.) P.S. Case No. 140 of 2021 dated 16.08.2024 registered for the offences punishable u/s 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, on the basis of written report of one S.I. Vinod Kumar, wherein he has alleged that on 01.04.2021, he along with other police personnel was on patrolling duty and during that course got information about keeping of Ganja by Awdhesh Rai in his house situated in village Bharatnagar. To verify the fact, informant along with police party reached there and seeing the police party, 3-4



persons sitting on his darwaja, started fleeing away. Chase was made to apprehend them but they managed to escape taking advantage of dense population. In the meantime, nearby people and local chaukidar gathered there and they identified one of the persons who managed to escape as Awdhesh Rai. In presence of two independent witnesses, search was made in the house of the petitioner, in which, 03 Kg of Ganja was recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is named in the FIR. There is no eye witness to the alleged occurrence. There is general and omnibus allegation against the petitioner. The seized contraband is less than commercial quantity. Nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused person has already been granted bail by the co-ordinate bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. of 6228 of 2022. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 22.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, in connection with N.D.P.S. Case No. 41 of 2025 arising out of Gaighat (Benibad O.P.) P.S. Case No. 140 of 2021, with the conditions:

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. This application is allowed.

(Chandra Prakash Singh, J)

Raj Ranjan/-

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