

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38790 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- INDRAPURI District- Rohtas

1. Baliram Pandey S/O Late Ram Sakal Pandey R/O Village- Barna, P.S.- Rajpur, District- Rohtas
2. Vibha Shukla W/o Ghanshyam Shukla Resident of Village- Sohwalia Kurd, P.S.- Purandarpur, District- Maharajganj, Uttar Pradesh (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Murli Dhar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Indrapuri P.S. Case No. 49 of 2025, registered for the offences under Sections 8, 20(b)(ii)(c), 25, 29 of N.D.P.S. Act.

3. As per the prosecution case, police received secret information about *Ganja* being smuggled through two white cars. Checking of vehicles was started and the persons travelling in two white coloured cars tried to flee away on seeing the police vehicle. From the car bearing registration number JH01CS2058 driver and two other persons fled away whereas



petitioners who were sitting in the car were apprehended. The driver of another car bearing number BR24W8809 was apprehended after chase. From this car, recovery of 35.601 kg of Ganja was made. The petitioners and other co-accused also disclosed the names of other co-accused persons who were involved in the illicit trafficking of *Ganja*.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were innocent passengers and they have no idea that the car was being used as a pilot vehicle by other co-accused persons. The innocence of the petitioners is also proved from the fact that even on seeing the police party they did not try to escape and remained seated in the car. The police in its highhandedness arrested the petitioners. The petitioners are neither owner nor driver of the car and they have nothing to do with the seized contraband which was recovered from the other vehicle. Learned counsel further submits that since recovery has been shown from other vehicle with which the petitioners have no concern the liability of recovery of contraband could not be fastened upon the petitioners. The petitioners had not committed any offence. Learned counsel further submits that there is no



material to show the connection of the petitioners with the person who was apprehended from the car from which recovery of *Ganja* was made. The petitioners are in custody since 05.04.2025 and they have no criminal antecedent. Charge sheet has been submitted against the petitioners.

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 petitioners are actively involved in trafficking of *Ganja* and they had been working as liners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the distinct lack of material to connect the petitioners with the offences as alleged and further considering the possibility of these petitioners not being involved in the offences as alleged and submission of charge sheet against the petitioners, the petitioners are 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, Rohtas at Sasaram/concerned court, in connection with Indrapuri P.S. Case No. 49 of 2025, subject to the condition laid down under Section 480(3) of the B.N.S.S and other following conditions:



- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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