

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45961 of 2025

Arising Out of PS. Case No.-774 Year-2024 Thana- HISUWA District- Nawada

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1. Gau Karan Kumar S/o Late Batoran Singh R/o Vill- Ariyan, Thana- Hisua, District- Nawada
 2. Navlesh Kumar S/o Late Batoran Singh R/o Vill- Ariyan, P.S.- Hisua, Distt- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 02-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80(a) and 20(a) (i) of the NDPS Act.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on secret information, the house of the petitioners was raided along with house of Rajendra Singh on 22.12.2024 and four green plants of *Ganja* were recovered from the house of Rajendra Singh and two green plants of *Ganja* each from the house of the petitioners.



4. Learned counsel for the petitioners submits that the date of occurrence is 22.12.2024 and the FIR came to be instituted on 23.12.2024 i.e. after a delay of one day without any plausible explanation. It is also submitted that description of the house of the petitioners has not been recorded in the FIR. It is next submitted that even Section 50 of the NDPS Act stands violated. It is further submitted that from perusal of the seizure list, it would manifest that *Ganja* was recovered from a place near the house of the petitioners. It is next submitted that Rajendra Singh had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 19952 of 2025 and the same was allowed by an order dated 11.08.2025 passed by a learned Co-ordinate Bench. The learned counsel, thus, seeks anticipatory bail based on parity.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that in the event if the privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond, as investigation is continuing, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

6. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hisua P.S. Case No. 774 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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