

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55342 of 2025**

Arising Out of PS. Case No.-47 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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Jai Ram S/O Bundela Ram R/O Village- Makasudpur, P.S.- Fatuha, District-  
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rahul Rathour, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**

ORAL ORDER

5      14-11-2025                      Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Gaya Excise (N.D.P.S.) Case no. 47 of 2021 registered under sections 8 and 20(b)(ii)(c) of the N.D.P.S. Act.

3. As per the prosecution case, 500 kgs of ganja was recovered from a truck and the petitioner who was the driver of the said truck was taken into custody at the time of recovery of the said ganja.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected *vide* order dated 20.12.2024 passed in Cr. Misc. no. 80723 of 2024 mainly on the ground that the trial in the learned trial Court had



commenced. On merits, it is submitted that the petitioner who is a professional driver was handed over the loaded truck. He did not know the contents of the goods packed and loaded. The owner of the truck has been enlarged on bail vide order dated 17.5.2024 passed in Cr. Misc. no. 37308 of 2024. In spite of the petitioner remaining in custody since 3.6.2021, as per the instructions received, no witness has been examined in the trial. Referring to the earlier order of rejection, it is submitted that the petitioner is ill and suffering from HIV.

6. The application for bail is opposed by learned APP for the State. It is further submitted by learned counsel appearing for the State that from the FSL report, it would transpire that the article seized has been confirmed to be *ganja*.

5. A report was called for from the learned trial Court. As per the report received contained in letter dated 13.8.2025 of the Additional Sessions Judge 1<sup>st</sup>, Gaya, though charge was framed in the case on 16.1.2024, in spite of summons and bailable warrants having been issued on 21.3.2025, no witness has been examined on behalf of the prosecution.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner having remained in custody for over four years since



3.6.2021 and no witness turning up for examination on behalf of the prosecution inspite of summons andailable warrants having been issued, in the facts of the case, the petitioner is directed to be enlarged on bail in connection with Excise (N.D.P.S.) Case no. 47 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1<sup>st</sup>, Gaya.

**(Partha Sarthy, J)**

saauravkrsinha/-

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