

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57882 of 2025

Arising Out of PS. Case No.-55 Year-2023 Thana- RAGHOPUR District- Supaul

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Ganga Chaudhary @ Ganga Ram Chaudhary, S/O Ramdev Chaudhary @
Ramnarayan Choudhary, R/O Village- Piprahi, Durgapur, P.S.- Raghapur,
District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 05-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed this second bail petition seeking regular bail in connection with N.D.P.S. Case No. 08 of 2023, arising out of Raghapur P.S. Case No. 55 of 2023 for the offences registered under Sections 8, 20(b), (ii),(c), 25, 29 of the Narcotic Drugs & Psychotropic Substance Act, 1985.

3. As per the prosecution case, the Police intercepted a car in which three persons were sitting from whom two accused persons were apprehended on the spot who disclosed that the petitioner had managed to flee away. On search, 104 kg of ganja was recovered from the car and on disclosure statement of the apprehended co-accused person further 142 kg of ganja was recovered from the house of the co-accused Fulen Yadav.



5. Learned counsel for the petitioner submits that petitioner is in custody since 24.11.2023 and out of 10 prosecution witnesses only 5 witnesses have been examined. He further submits that there is likelihood that the petitioner shall be acquitted as there is no material against the petitioner except the confessional statement of co-accused. He further submits that earlier the bail petition of the petitioner was not granted by this Court on 27.09.2024 and at that stage the Hon'ble Supreme Court also had not consider the bail for the petitioner. He pressed the bail petition of the petitioner at this stage on the changed circumstance particularly the fact that there is no progress of trial, period of custody more than 2 years and grant of bail to similarly situated co-accused persons by the trial court as well as Hon'ble Supreme Court. He further submits that similarly situated co-accused namely Ram Narayan Choudhary @ Ramdev Choudhary has already been granted regular bail by the learned Trial Court vide order dated 11.07.2025 and on the basis of custody period. The Hon'ble Supreme Court vide order dated 20.03.2025 in Cr. Appeal No. 1389 of 2025 granted regular bail to co-accused Poonam Devi and the case of the present petitioner is similar to the co-accused persons. There is no likelihood to conclude the trial in near future. Petitioner has



one criminal antecedent which is not of NDPS Act, in which he is on bail. Petitioner undertakes to co-operate in the trial and shall present on each and every date as and when required by the Trial Court.

6. Learned counsel appearing on behalf of the State opposed the prayer for grant of bail to the petitioner but admitted that there is slow progress in trial. From the report dated 09.10.2025 of trial court, it appears that out of 10 witnesses only 5 witnesses have been examined on behalf of prosecution.

7. Considering the submissions made on behalf of the parties, facts and circumstances of the case and slow progress of trial and period of custody, let the petitioner, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Supaul, arising out of Raghapur P.S. Case No. 55 of 2023, subject to following conditions:-

(i) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(ii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Sunil Dutta Mishra, J)

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