

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58118 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- HARPUR District- East Champaran

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Ashutosh Kumar S/o- Navin Kumar Thakur R/o village- Harishankar
Maniyari, PS- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mrs. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 10-12-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Harpur P.S. Case No.60 of 2025 dated 04.05.2025, registered for the offence punishable u/s 111(2) of Bharatiya Nyaya Sanhita and 8/23, 20(b)(ii) (c), 25 and 29 of the NDPS Act.

3. The prosecution's case is that, acting on secret information, the police intercepted an ambulance and apprehended the petitioner. Upon searching the seized ambulance, 78.900 kg of ganja and two mobile phones were recovered. During interrogation, the petitioner disclosed his association with Bindeshwar Yadav and Rutam Khan, stating that, on their instructions, he had collected the ganja from the



scrap shop of one Jakir Khan.

4. It is submitted by the learned counsel for the petitioner that the petitioner is entirely innocent and has not committed any offence as alleged in the FIR. The seizure list, on the basis of which the FIR is said to have been lodged, is prepared on conjecture and suspicion. Furthermore, the manner in which the petitioner is implicated by merely holding him to be the driver is not in any way connected to the vehicle in question. It is further submitted that the petitioner had been the driver of the said vehicle for some time prior; however, on the date of the incident and the seizure conducted by the police, the petitioner was not driving the ambulance. Merely on the presumption that the ambulance in question might have been driven by him, the petitioner was arrested. The petitioner has no criminal antecedents and has been in judicial custody since 06.05.2025. Lastly, it is submitted that the petitioner is a man of means, and there is no likelihood of his absconding or tampering with evidence. If the privilege of regular bail is granted to the petitioner, he undertakes not to indulge in such activities in the future.

5. Learned APP for the State opposed the prayer for bail.



6. Considering the facts and circumstances of this case and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge/Special Judge, East Champaran, Motihari/the Successor Court, in connection with Harpur P.S. Case No.60 of 2025, subject to the following conditions:

(i) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iii) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the



learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Ajit Kumar, J)

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