

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56019 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- NATHNAGAR District- Bhagalpur

Ritesh Kumar S/o Laxman Mandal R/o Village- Mahashi, P.S.- Sultanganj,
Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Nath
Nagar P.S. Case No. 167 of 2025 registered for the offence
punishable under Sections 20(b), 22(a) of the N.D.P.S. Act.

3. Learned counsel for the petitioner submits that the
petitioner has no criminal antecedent.

4. As per prosecution case in brief is that on
25.05.2025 at 12:10 P.M., the informant S.I. Sakhil Ansari of
Nath Nagar P.S. receives a secret information that near Champa
Nala Bridge two persons are selling and purchasing ganja. The
informant informed the concerned S.H.O. and he along with
other police personnel proceeded for verification and necessary
action and when the informant and other Police personnel



reached near Champa Nala bridge, they saw that two persons were carrying bag in their hand and upon seeing the police, they started to flee by Red colour Glamour motorcycle but they were apprehended by the police and on query they disclosed their names as Bibhishan Mandal and Ritesh Kumar (petitioner). From the possession of co-accused Bibhishan Mandal, Ganja was recovered but from the possession of the petitioner only a mobile phone was recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case, simply because he happen to be with co-accused Bibhishan Mandal at that point of time. Learned counsel further submits that no Ganja was recovered from the conscious possession of the petitioner and that the petitioner has clean antecedent but despite the same the petitioner is in custody since 26.05.2025. Learned counsel therefore prays for grant of bail.

6. On the other hand, learned APP appearing for the State vehemently opposes the prayer for regular bail of the petitioner.

7. Considering the submissions made by the rival parties and particularly taking note of the fact that no Ganja or any incriminating material was recovered from the consious



possession of the petitioner and that the petitioner has the clean antecedent but is languishing in jail since 26.05.2025, I am inclined to grant bail to the petitioner.

8. Let the petitioner above named, is directed to be released 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 learned court below where the case is pending/successor court in connection with Nath Nagar P.S. Case No. 167 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found



that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

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