

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62353 of 2025

Arising Out of PS. Case No.-106 Year-2024 Thana- BIRPUR District- Supaul

Akhlesh Kumar @ Akhilesh Kumar S/o Ramu Bhindwar R/o Village-Khontaha, ward No. 01, Bhimnagar Road Near Usha Marks Bricks Plant, P.S.- Bhimnagar, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Sr. Adv Mr. Aditya Pandey, Adv Mr. Navneet Kumar, Adv Mr. Aditya Raj Singh, Adv Ms. Ginni Priya, Adv
For the Opposite Party/s :		Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 27-11-2025 Heard learned Senior counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 8/20(b) (ii) (c) of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that, the informant had received information that ganja is to be smuggled from Nepal to India. For verification of the said information, the informant along with his associates reached the place and saw that three persons were entering into India, thereafter, one persons was apprehended whereas two managed to flee towards Nepal and apprehended person was identified as the petitioner.



On being searched, 68 kg of ganja like substance was recovered from the three gunny bags.

4. Learned Senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned Senior counsel for the petitioner has submitted that nothing has been recovered from the conscious possession of the petitioner. From perusal of the seizure list it is evident that the place of seizure is near B.P. No. 204/01, P.S.- Birpur, District- Supaul, however, as per the case of the prosecution, it is not clear as to what this petitioner was carrying and other article which has been seized from the possession of this petitioner are mobile and cash which belongs to the petitioner. From perusal of Annexure-2 it is clear that police has filed charge sheet without the FSL report. It has been submitted that accused persons having similar nature of allegation have already been granted bail by this Court vide order dated 07.03.2025 passed in Cr. Misc. No. 72604 of 2024. The learned Senior Counsel has submitted that his prayer is two folds first is that nothing has been recovered from the possession of the petitioner and second is that the charge sheet has been filed without F.S.L. report. It has also been argued that this case is squarely covered with the ratio of Cr. Misc. No. 72604 of 2024. Moreover, the



petitioner is languishing in judicial custody since 23.03.2024.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and submitted that petitioner is having criminal antecedent of one case.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Birpur P.S. Case No. 106 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-4th, Supaul/concerned Court below.

7. Accordingly, the application stands allowed.

(Ashok Kumar Pandey, J)

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