

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73424 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- SONAMANI District- Araria

Ashish Kumar @ Ashish Kumar Yadav Son of Dayanand Yadav R/O Vill.-
Kusmaha, Ward no.3, P.S.- Jogbani, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 28-01-2025 Heard learned 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), 22 and 24 of the Narcotic Drugs and Psychotropic Substance Act.

3. The case of the prosecution is that at about 5:15 hours, the informant found that certain persons were carrying something on their head in a gunny bag and were coming from Nepal towards India as they found that police party is present there , they threw the bags and started fleeing away to Nepal. In the process, one of them was apprehended, who has disclosed his name Ashish Kumar @ Ashish Kumar (the petitioner herein)



and others managed to flee away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits the petitioner has falsely been implicated in connection with the present case. During the Course of argument, learned counsel for the petitioner, on perusal of the FIR, submits that three gunny bags were thrown away by the persons who successfully fled away and not by the petitioner. From the FIR, it is clear that someone told to give him money for delivering the same. From perusal of the FIR itself, it is also clear that the gunny bags were thrown away by somebody else. It was not thrown by the petitioner. Petitioner was not apprehended with gunny bag. The contraband was recovered from the gunny bag which was thrown away by other persons. Though 105 kg of '*ganja*' was recovered but from the perusal of the FIR, it is clear that in any way petitioner is not connected with the present case. Moreover, the petitioner is languishing in judicial custody since 04.04.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the aforesaid 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 Sonamani Godam P.S. Case No. 17 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 Special Judge NDPS Act, Araria.

(Ashok Kumar Pandey, J)

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