

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77564 of 2025

Arising Out of PS. Case No.-247 Year-2025 Thana- Excise P.S. District- Nawada

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Ganguli Kumar S/O Krishna Yadav @ Krishna Dev Prasad Resident of
Village- Bhim Bigha, P.S.- Narhat, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 By means of this bail application, petitioner, who is involved in connection with Nawada Excise P.S. case no. 247 of 2025, registered for the offences punishable under Sections 8 & 20(b)(ii)(b) of the NDPS Act, seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, total 8.495 kg of Ganja has been recovered from the conscious possession of the petitioner, which was kept in a vehicle in which petitioner was also traveling.

4. The main substratum of argument of learned counsel for the petitioner is that petitioner is innocent and has been falsely implicated in this case. The alleged recovery of 8.495 kg of Ganja is below the commercial quantity. The recovery has



been planted, therefore, the provisions of Section 105 of BNSS have not been complied by the Officer concerned and there is no explanation of non-compliance of the said provisions. The petitioner has no criminal history to his credit. Lastly, it is submitted that petitioner is languishing in jail since 20.04.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that the alleged recovery of 8.495 kg of Ganja is below commercial quantity, hence, the provisions of Section 37 of the NDPS Act are not attracted in this case. The videography of alleged recovery has also not been made. Petitioner is languishing in custody since 20.04.2025. After investigation, charge sheet has been submitted. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As



on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 20.04.2025 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.



10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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