

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77421 of 2025

Arising Out of PS. Case No.-79 Year-2021 Thana- SONEPUR District- Saran

Ravi Kumar @ Ravi Paswan Son of Bharat Ram Resident of Village-
Paharichak, P.S.- Sonapura, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No. II

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 05-12-2025 1-By means of this bail application, petitioner, who is involved in connection with Sonapur PS case no. 79 of 2021 registered for the offences punishable under Sections 21 of the N.D.P.S. 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, acting on an information, police party reached near the house of Baleshwar Rai. Seeing the police party some people started fleeing, out of whom, one person was apprehended whereas four-five persons succeeded in fleeing away. The apprehended person disclosed his identity as Anand Kumar and on taking his search, 120 Mg. Smack wrapped in a puriya, one loaded country made pistol,



one Bhujali, one knife and one mobile phone were recovered from his possession. He also disclosed inter-alia that his associates who succeeded in fleeing away are indulged in illegal trade of smack and theft.

4-It is argued by learned counsel for the petitioner, that petitioner has been falsely implicated in this case. He was not arrested at the spot. There is no credible evidence against the petitioner except the confessional statement of co-accused Anand Kumar, which is not admissible in evidence. There is no recovery of narcotics drugs from the possession of the petitioner. It is also pointed out that the recovery of 120 Mg smack from the possession of co-accused Anand Kumar is also below commercial quantity. The petitioner, has criminal history of three cases in which he is on bail. Lastly, it is submitted that petitioner is languishing in jail since 04.07.2025 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



there is no recovery of narcotics drugs or contraband substance from the possession of the petitioner. The case of petitioner namely, Ravi Kumar @ Ravi Paswan is distinguishable from the case of co-accused Anand Kumar, who was arrested at the spot and recovery of 120 Mg of smack has been made from his possession. Co-accused Naga Rai @ Nandlal Rai under similar accusation has been granted bail by the co-ordinate Bench of this Court vide order 16.01.2023 in Cr. Misc. No. 42556 of 2022. Investigation has been completed and charge-sheet has been submitted against the applicant. 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 entering into 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 04.07.2025 has made out a *prima facie* case for bail.

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

9-Let the petitioner-Ravi Kumar, be released on bail in the aforesaid case on furnishing a personal bond of Rs. 10,000/- and two sureties each in the like amount to the satisfaction of the court concerned 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)

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