

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76757 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- KHAJEKALA District- Patna

Shyam Kumar S/o- Sri Manohar Rai R/o Village- Nauzar Katra, Diwan
Mohalla, P.S.- Khajekala, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Uday Pratap 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 Khajekala P.S. Case No. 322 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 the prosecution case in brief, 4 Kg. of Ganja has been recovered in this case. It is alleged that out of said recovery, 2.250 Kg. Ganja has been recovered from the house of Manohar Rai and 1.750 Kg. Ganja has been recovered from the garage of Sudama Rai.

4- The main substratum of the argument of learned counsel for the petitioner is that the petitioner is innocent and has been falsely implicated in this case because he is son of the



co-accused Manohar Rai. The false recovery has been shown from the house of the petitioner. Much emphasis has been given by contending that videography of said recovery has not been made by the prosecution and there is no independent witness of the said recovery. The petitioner, has criminal history of one case to his credit. Lastly, it is submitted that petitioner is languishing in jail since 05.08.2025 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 total 4 Kg. Ganja has been recovered in this case, which is below commercial quantity, hence Section 37 of the NDPS Act is not attracted in this case. Investigation has been completed and charge-sheet has been submitted against the petitioner. 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 05.08.2025 has made out a *prima facie* case for bail.

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

9-Let the petitioner-Shyam 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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