

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82835 of 2025

Arising Out of PS. Case No.-582 Year-2021 Thana- DHAKA District- East Champaran

Subodh Rai @ Subodh Kumar @ Subodh Ray son of Birbahadur Rai @
Birbahadur Ray @ Birbahadur Prasad Yadav @ virbahadur Rai Residents of
village- Agarawa ps- Jitna, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 1-By means of this bail application, petitioner, who is involved in connection with Dhaka P.S. Case No. 582 of 2021 registered for the offences punishable under Sections 20 and 22 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, 22 Kg. of Ganja in three packets were recovered from black cloured bag of co-accused Arjun Das on 04.12.2021. After completing the required formalities, Arjun Das was arrested by the police. It is the case of the prosecution that complicity of the petitioner Subodh Rai @ Subodh Kumar came into light in the confessional statement of co-accused Arjun Das.

4-It is argued by learned counsel for the petitioner, that the petitioner has been falsely implicated in this case. The



recovery of 22 kg. of Ganja has been made from the possession of co-accused Arjun Das on 04.12.2021. Much emphasis has been given by contending that the confessional statement of co-accused Arjun Das in police custody is not admissible in evidence. Except the confessional statement of co-accused Arjun Das, there is no credible evidence against the petitioner to connect him in the said crime and as such, the case of present petitioner is distinguishable from the case of co-accused Arjun Das. The petitioner, has no criminal history. Lastly, it is submitted that petitioner is languishing in jail since 08.04.2025 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 there is no recovery of any contraband from the possession of the petitioner. The recovery of 22 Kg. of Ganja has been made from the possession of co-accused Arjun Das on 04.12.2021 whereas on the basis of his confessional statement of Arjun Das, the petitioner was apprehended and arrested on 08.04.2025.



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. 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. Under the facts of the case, this Court is *prima facie* satisfied that there is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence while releasing on bail.

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 is liable to be released on bail.

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

9-Let the petitioner-Subodh Rai @ Subodh Kumar, be released on bail in the aforesaid case on furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand) 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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