

Arising out of PS. Case No.-391 Year-2024 Thana- WAJIRGANJ District- Gaya

Arising out of PS. Case No.-391 Year-2024 Thana- WAJIRGANJ District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Arising out of PS. Case No.-391 Year-2024 Thana- WAJIRGANJ District- Gaya

Arising out of PS. Case No.-391 Year-2024 Thana- WAJIRGANJ District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

(In CRIMINAL MISCELLANEOUS No. 90161 of 2024)

For the Petitioner/s : Mr. Ravi Ranjan Kumar, Advocate

For the Opposite Party/s: Mr. Raj Kishor Singh, APP

(In CRIMINAL MISCELLANEOUS No. 4842 of 2025)

For the Petitioner/s : Mr. Ansul, Senior Advocate

Mr. Aditya Raj Singh, Advocate

Mr. Gautam Kumar, Advocate

Mr. Pratyush, Advocate

For the Opposite Party/s: Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 25-06-2025 Heard Mr. Ansul, learned senior counsel for the petitioner namely Abhishek Kumar and Mr. Ravi Ranjan Kumar, learned counsel for the petitioner namely Satendra Kumar and Mr. Raj Kishor Singh and Mr. Jagdhar Prasad, learned Additional Public Prosecutors for the state.



2. The petitioners seek bail in a case instituted for the offences under Sections 20/22(c) of NDPS Act. Petitioner namely Satendra Kumar has one criminal antecedent, i.e., Begusarai Rail P.S. Case 9 of 2017 of NDPS Act and Petitioner namely Abhishek Kumar has one criminal antecedent, i.e., Silao P.S. Case No. 60 of 2022 registered under Sections 147, 149, 341, 323, 325, 307 and 505 IPC.

3. As per the prosecution case, on secret information two persons were apprehended who tried to flee, however, they were chased and apprehended and they disclosed their names as Satendra Kumar and Abhishek Kumar and on search total 9.5 Kgs. Ganja was recovered from the trolley belonging to the petitioner namely Satendra Kumar and 12 Kgs Ganja was recovered from the trolley belonging to the petitioner namely Abhishek Kumar.

4. Learned senior counsel for the petitioners submits that the petitioners have falsely been implicated in this case and admittedly the narcotic substance was kept on the top of the tempo and was not recovered from the conscious physical possession of the petitioners. It is further submitted by learned senior counsel for the petitioners that petitioners have falsely been implicated in this case at the behest of the police and seizure



was not prepared under the prescribed provisions of NDPS Act. It is lastly submitted by learned senior counsel for the petitioners that the petitioners have one criminal antecedent and they are in custody since 18.06.2024.

5. Learned Additional Public Prosecutors for the State have vehemently opposed the prayer for bail of the petitioners and have submitted that two persons were apprehended with Ganja and jointly it would amount to commercial quantity as such they should not be released on bail.

6. Considering the aforesaid submissions of learned counsels and taking into account the individual recovery of Ganja from the petitioners and the period of custody, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge/Additional Sessions Judge 17th, Gaya or the Court concerned in connection with Wazirganj P.S. Case No. 391 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the



Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners except above-mentioned one case and in case at any stage it is found that the petitioners have concealed their criminal antecedents except above-mentioned one case, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. In view of the antecedents of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Gaya within fifteen days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch



in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

Vikash/-

U		T	
---	--	---	--

