

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10322 of 2026

Arising Out of PS. Case No.-898 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Gandhi Kumar S/O Sunil Ram Resident of Mohalla-Shildag, Police Station-
Chhatarpur, District- Palamu (Jharkhand) at present residence of mohalla-
mubarkganj, p.s- sasaram town model district - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sasaram (Town) P.S. Case No. 898 of 2024 instituted for the
offence under Sections 21, 23, 25, 25A, 27(a), 29, 30 & 32 of
the NDPS Act and Sections 25(1-B)a, 35 & 26 of the Arms Act.

3. As per FIR, the informant has alleged that on
01.11.2024 at about 5 0' clock, on the basis of secret
information, he along with others raided in the house of Rohan
Chandravanshi. On seeing the police, one person tried to flee
away, who was caught. On query, he disclosed his name
Altumas and also disclosed that he and his associates Rohan



Kumar @ Rohan Chandravanshi, Vikas Kumar @ Appu, Anurag Raj were illegally selling heroin in Sasaram locality. It is further alleged that on raiding the house of Rohan, informant caught Rohan Kumar @ Rohan Chandravanshi, Gandhi Kumar (petitioner), Yash Kumar, Kundan Kumar and Vicky Kumar @ Mangru. During search, 930 grams, 722 grams and 233 grams heroin along with live cartridges etc. have been recovered from various places at the instance of accused persons.

4. Learned counsel for the petitioner submits that the petitioner is falsely implicated in the present case. It is mainly submitted that charge in this case is framed and till date, no witness has been examined hitherto. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03-11-2024, having no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments. Other similarly situated



co-accused has been granted bail by this Court vide order dated 17.11.2025, passed in Cr. Misc. No. 72936 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sasaram (Town) P.S. Case No. 898 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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