

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22297 of 2026

Arising Out of PS. Case No.-442 Year-2025 Thana- ARARIA District- Araria

Gulshan Kumar son of Naresh Yadav Resident Of Village- Gaiyari, Ward No
15, P S -Araria, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Araria P.S. Case No. 442 of 2025, registered for the offence punishable under Sections 8 (c) and 21 (b) of the N.D.P.S. Act.

3. As per the FIR, two persons after seeing the police tried to escape from the place of occurrence but one person was apprehended. On interrogation, he disclosed his name as Amjad Ali and also disclosed the name of the petitioner who fled away from the place of occurrence. It is further alleged that on search 40 gm smack like substance with polythene, one roll of aluminum roll, digital weight machines, mobile sets and cash amounting to Rs. 2, 63, 556/- were recovered from the house of



co-accused Amjad Ali.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the name of the petitioner surfaced on the basis of confessional statement of co-accused Amjad Ali against whom there was a secret information received by the police based on which seizure has been made. It is next submitted that petitioner has no concern with the seized article or has ever been indulged in business of smack. No incriminating article has been recovered from his constructive possession and even the seized smack is not of commercial quantity. Petitioner has two criminal antecedents which is not akin to the mentioned case and he is on bail in both the cases. Petitioner undertakes to co-operate with the terms and conditions imposed in case benefit of anticipatory bail is extended. The petitioner further undertakes to co-operate with the investigating agency.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the fact that the name of the petitioner has transpired on the confession of co-accused Amjad Ali who has already taken into judicial custody and recovery of cash



and also seized article has been made from his possession, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Principal District and Sessions Judge Araria in connection with Araria P.S. Case No. 442 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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