

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20274 of 2026

Arising Out of PS. Case No.-35 Year-2025 Thana- GORIAKOTHI District- Siwan

Dhrup Kumar Gupta Son of Late Sharda Prasad Resident of Village- Sareya,
P.S.- Govindganj, District- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv
		Mr. Ganesh Prasad Singh, Adv
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 15-05-2026 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Goreyakothi P.S. Case No. 35 of 2025 registered for the
offences punishable under Sections 20(b)(ii)(c) and 22 of the
NDPS Act.

3. Earlier also this petitioner had approached for the
grant of regular bail which was rejected vide order dated
12.08.2025 passed in Cr. Misc No. 52639/2025 (Annexure-P/1).

4. The case of the prosecution is that the informant on
09.02.2025 got an information that two persons loaded with
Ganja in a Renault car bearing Reg. No. BR06PF-3184 were
going towards Afrad from Basantpur and one person was riding



on Super Splendor Motorcycle bearing Reg. No. BR06AC-6650 was going as a liner. Accordingly, he started checking motorcycle on the said route. The accused persons riding on Splendor Motorcycle started fleeing away, but he was apprehended by police force. The person who was apprehended on the spot disclosed his name as Prabhat Kumar @ Vikash Kumar. On enquiry, he disclosed that he along with Dhrup Kumar Gupta (petitioner) and one Rambabu Sah had come from Raxaul to sell Ganja which he had kept in his Renault car parked near Sinsai Patrol Pump. Thus the police team reached near Sinsai petrol pump where they found one Renault car bearing Reg. No. BR06PF-3184 parked. After seeing the police, two other persons started fleeing but with the help of police force one person was caught, who disclosed his name as Dhrup Kumar Gupta (petitioner) and he is also said to have stated that the person who fled away was Rambabu Sah. On search of the Renault car, 10-12 bundles of Ganja like substance weighing 124.300 kg was recovered. On demand of paper of Renault car and Super splendor motorcycle they did not give any paper.

5. Learned senior counsel for the petitioner submits that the changed circumstances from the last occasion is that the petitioner has remained in custody for sufficiently long period of



time i.e., from 10.02.2025 and onwards and that a specific statement has been made in paragraph-14 of the application that charge-sheet was submitted without getting chemical examination of the so-called recovered Ganja like substance from FSL report, therefore, it cannot be conclusively said that the article recovered was ganja or some other material. In nutshell, learned senior counsel submits that charge-sheet has been filed without the FSL report. He strenuously argues that in such circumstance, the Hon'ble Apex Court has consistently held the view that charge-sheet filed without the FSL report is not proper and privilege of bail has been granted in such circumstance.

6. On the other hand, learned APP appearing for the State opposes the prayer for regular bail of the petitioner. He submits that the quantity of the ganja which has been recovered is a commercial quantity and, therefore, no bail should be granted. He further submits that the petitioner was caught red-handed with the ganja which was found in the Renault car and Super Splendor motorcycle and he was himself sitting in the said Renault car.

7. Considering the fact that the petitioner has remained in custody since 10.02.2025 and also there is nothing



on record to establish that the chargesheet was filed along with FSL report and further, through the status report, it has been informed that co-accused namely, Prabhat Kumar @ Vikash Kumar has been granted bail by the Hon'ble Supreme Court. Under these changed circumstance, I am inclined to grant bail to the petitioner.

8. Let the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Goreyakothi P.S. Case No. 35 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to



move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case, at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

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