

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30919 of 2026

Arising Out of PS. Case No.-142 Year-2020 Thana- ATHMALGOLA District- Patna

Bhullu Ray @ Ram Kripal Kumar S/o- Sitaram Rai R/V- Kaladigara PS-
Salimpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Athmalgola P.S. Case No. 142 of 2020 registered for the offences punishable under Sections 22(c)/27(A) of the Narcotic Drugs and Psychotropic Substance Act.

3. As per the prosecution case, police raided the house of co-accused Sanjay Rai and Manjay Rai and recovered 30.46 kg of ganja from the house of co-accused Manjay Rai as well as 25.590 kg of ganja from the house of co-accused Sanjay Rai.



Upon further disclosure, the police searched nearby vehicle and apprehended co-accused Pankaj Rai and Raju kumar along with 133.510 kg of *ganja*. It has been further alleged that during interrogation from the apprehended co-accused person Pankaj Rai and Raju Kumar, they disclosed the name of the petitioner as their accomplice in the smuggling of the said ganja.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that no recovery whatsoever has been made pursuant to the confessional statement of co-accused. It has also been submitted that there is no material on record which goes to show the complicity of the petitioner. It has further been submitted that no incriminating article has been recovered from the conscious possession of the petitioner rather the entire recoveries have been made from co-accused Sanjay Rai, Pankaj Rai and Raju Kumar. It has also been submitted at bar that the charge sheet has been submitted against the petitioner and there is no allegation of tempering with the evidence against him. It has further been submitted by learned counsel for the petitioner that bar under Section 37 of the N.D.P.S. Act would not be applicable against this petitioner as there is no material against the petitioner except the



confessional statement of co-accused without any recovery of incriminating article from the possession of the petitioner. Lastly, it has been submitted that the petitioner has got no criminal antecedent and he is in judicial custody since 09.03.2026

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submitted that the amount recovered is commercial quantity and hence the bar under Section 37 of the N.D.P.S. would be applicable against the petitioner.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances of the case and the nature of the material against the petitioner, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna, in connection with Athmalgola P.S. Case No. 142 of 2020, with condition(s):-

(i) the petitioner is directed to remain physically present before the learned Court below on each and every date and failure on two consecutive dates without reasonable cause, the Court below would be at liberty to cancel the bail bonds of petitioner.



(ii) If the petitioner’s involvement is found in any nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.
(iii) one of the bailors shall be close relative of the petitioner.

8. The application stands allowed.

(Praveen Kumar, J)

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