

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29892 of 2026

Arising Out of PS. Case No.-45 Year-2025 Thana- FCI District- Begusarai

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Gaurav Kumar @ Gaurav Raj S/O Saudagar Singh Resident of Village-
Pansalwa, Ward No. 11, P.S.- Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Prakash

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with NDPS Case No.27 of 2025 arising out of FCI P.S. Case No.45 of 2025 dated 23.06.2025, registered for the offence punishable under Sections 21/ 22 of the NDPS Act.

3. As per the FIR, the allegation is that 170 liters of codeine were recovered from vehicle, bearing Registration No.JH-01DV-4498 of which the petitioner is the registered owner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that altogether six persons have been named in the FIR, out of whom five persons have already been taken into judicial custody. It is the specific case of



the petitioner that he had handed over the vehicle in question to his brother, namely, Ankush Raj @ Bittu Patel, and the said fact has also surfaced during investigation, as is evident from paragraphs 85 and 92 of the case diary. Learned counsel further submits that there is no independent witness to the seizure list and that there has been gross violation of Sections 103 and 105 of the BNSS while preparing the seizure list. It is also submitted that no material has surfaced during investigation to establish the complicity of the petitioner in the alleged occurrence. Lastly, it is submitted that the petitioner has one criminal antecedent, in which he is already on bail.

5. Learned APP for the State has opposed the prayer for anticipatory bail. However, he does not dispute the fact that the vehicle in question had been handed over by the petitioner to his brother, as reflected in paragraphs 85 and 92 of the case diary.

6. Considering the facts and circumstances of the case, particularly the fact that the vehicle in question had allegedly been handed over by the petitioner to his brother and the said fact finds support from the case diary, 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) with two sureties of the like amount each to the satisfaction of the learned Principal Sessions Judge, Begusarai/Successor Court in connection with FCI P.S. Case No.45 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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