

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36158 of 2026

Arising Out of PS. Case No.-193 Year-2023 Thana- THAWE RAIL P.S. District- Gopalganj

Kishor Chauhan @ Gulli S/O Chanchal Chauhan Resident of Village-
Basgawakhas, P.S. Vishunpura, District- Kushinagar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer, Advocate

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Learned Counsel for petitioner submits that he is not rely on typed copy of annexure-1 as it is not properly compared with the original but he submits that the certified copy is readable. Therefore, he is relying only on the certified copy.

3. Prayer of the petitioner is accepted.

4. Heard learned Counsel for the petitioner and learned APP for the State.

5.The petitioner is apprehending arrest in connection with Railway Thawe P.S. Case No. 193 of 2023, registered on 07.08.2023 for the offences punishable under Sections 8(c), 20(b) (ii) (B), 22(b) of the NDPS Act of 1988.

6. As per prosecution, total recovery of 4.982 kg of



ganja, is the subject matter of the present case. The said recovery has been made from the possession of the sole accused Bhusan Sharma.

7. Learned Counsel for the petitioner submits that in the FIR, there is no whisper that the alleged recovery has been made from the possession of the petitioner rather the alleged recovery has been made from the named accused Bhusan Sharma. He further submits that the name of the petitioner has come in this case at the instance of the police by virtue of the confessional statement made by named accused Bhusan Sharma. He further submits that most surprising fact of this case is that Bhusan Sharma on the date of lodging FIR dated 07.08.2023 had not disclosed the name of the petitioner but on the same day police has taken his confessional statement on a separate seat in which the name of the petitioner has come. He further submits that antecedent of the petitioner is clean.

8. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that the alleged recovery is more than the small quantity but said recovery has been made from the possession of the named accused and the name of the petitioner is not in the FIR.

9. In the facts and circumstances, let the above named



petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the Learned District & Additional Session Judge- I, Gopalganj, in connection with Railway Thawe P.S. Case No. 193 of 2023, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with further condition that (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide* and (ii) the petitioner 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 bail bonds by the Trial Court itself.

(Dr. Anshuman, J)

Ashwini/Manshi

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