

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49536 of 2025

Arising Out of PS. Case No.-332 Year-2024 Thana- RAXAUL District- East Champaran

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Ankesh Kumar S/o Devilal Sah R/o Koiriya Tola, ward No.24, P.S.-Raxaul,
District-East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with Raxaul
P.S. Case No. 332 of 2024 registered for the offence under
Sections 8, 20(b)II(C), 25 and 29 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody
since 15.09.2024.

4. The allegation against the petitioner is to have in
possession of 10.90 kilograms of *charas* along with other co-
accused person.

5. Learned counsel appearing on behalf of the petitioner
submitted that informant namely Sanjivan Paswan SI just few
days after lodging present FIR was caught red handed by State
Vigilance Unit, taking illegal gratification and consequently
Vigilance P.S. Case No. 09/2024 dated 18.09.2024 was lodged
against him. It is submitted that at the time of alleged incident the



petitioner was at M/s. Shyam International Hotel, situated at Koriya Tola, Main Road, Raxual and was enjoying his food with co-accused Shailendra Kumar, who has been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 10058 of 2025 dated 06.03.2025. It is further pointed out that case of this petitioner is on equal footing to that of co-accused Shailendra Kumar and therefore as a matter of judicial parity he also deserves bail.

6. While concluding the argument, it is submitted that admittedly recovery of contraband not appears to be made from conscious physical possession of this petitioner rather same was recovered from the road that is an open place and as this petitioner was alleged to found running away, he was implicated with present recovery purely on the basis of suspicion. It is submitted that petitioner is a man of clean antecedent and moreover recovery was not made from the possession of this petitioner, therefore, petitioner cannot be said under culpable mental state in view of Section 35 of the NDPS Act as to import the rigors of Section 37 of the NDPS Act. It is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.



8. In view of aforesaid factual submission and by taking note of slow progress of trial, where petitioner remains in custody for about one year and five months i.e., since 15.09.2024, accordingly petitioner above named, is directed to be released on bail in connection with Raxaul P.S. Case No. 332 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No. II, NDPS Act, East Champaran, Motihari/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS, with further conditions :-

- (i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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