

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55430 of 2025

Arising Out of PS. Case No.-876 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Abhishek Kumar Gupta S/O Jitendra Kumar R/O Village- Fulka, P.S-
Jamalpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate
		Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 16-03-2026 Heard Mr. N. K. Agarwal, learned senior counsel for

the petitioner and Mr. Anil Prasad Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
26.12.2023 in connection with Special (NDPS) Case No. 103 of
2024, (arising out of Ram Krishna Nagar P.S. Case No.
876/2023) F.I.R. dated 25.12.2023, registered for the offence
punishable under Sections 8(c), 21(c), 25, 29 of the NDPS Act.

3. Earlier, the prayer for grant of anticipatory bail of
the petitioner was rejected by coordinate Bench of this Hon'ble
Court vide order dated 08.08.2024 passed in Cr. Misc. No.
54937 of 2024.

4. According to prosecution case, total 506 grams of



smack was recovered from the lap of the petitioner who was sitting in the car.

5. Learned senior counsel appearing for the petitioner submits that the petitioner has clean antecedent and he is in custody since 26.12.2023 and the trial is not in progress. Learned counsel further submits that although the alleged recovery is made from the possession of the petitioner and the recovered contraband is more than commercial quantity and nine persons have been arrested along with the petitioner in the present FIR.

6. Vide order dated 19.02.2026, a report was called for with regard to stage of trial. Report dated 23.02.2026 of learned trial court reveals that charge has been framed against the petitioner and other accused persons on 01.05.2025 u/s 21(c), 25 and 29 of the NDPS Act. Out of eight charge-sheet witnesses, no one has turned up for examination till now. Despite of summons issued by the learned trial court, thereafter the bailable warrant has also issued against the witnesses, then NBW was issued against the informant and I.O. on 24.01.2026.

7. Learned senior counsel for the petitioner submits that in view of the report of the learned trial court that the trial is not going to conclude in near future and the petitioner is in



custody since more than two years and the co-accused persons, namely, Himanshu Kumar, has been granted bail by a corrdinate Bench of this Hon'ble Court vide order dated 18.05.2024 passed in Cr. Misc. No. 41687 of 2024, co-accused person, namely, Yuvraj @ Abhiraj has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 18.03.2024 passed in Cr. Misc. No. 26354/2024 and Amit Raj @ Atul has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 12.11.2024 passed in Cr. Misc. No. 81577 of 2024.

8. Learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances of the case and also the report of learned trial court and period of custody of the petitioner and similarly situated co-accused persons have been granted bail by a different coordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, NDPS No-II, Patna, in connection with Special (NDPS) Case No. 103 of 2024, (arising out of Ram Krishna Nagar P.S. Case No. 876/2023), with the following conditions:-



(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) And, further condition that the 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ranjeet/-

U		T	
---	--	---	--

