

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75789 of 2025

Arising Out of PS. Case No.-228 Year-2025 Thana- GAYA RAIL P.S. District- Gaya

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Sujeet Kumar @ Sujit Kumar S/o Surendra Prasad @ Surendra Kumar R/o -
Muzafarpur ward no. 10, P.S - Ben, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Purushottam Kumar, Adv.
For the Opposite Party/s :		Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Rail Gaya P.S. Case No. 228 of 2025, registered for the offences under Sections 8, 18(c), 20(B)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.

3. As per the prosecution case, petitioner and other co-accused persons were apprehended carrying 116.700 Kg of Doda (poppy husk). From the bags being carried by the petitioner, recovery of 29 kg of poppy husk was made. Further recovery of 32.05 kg of poppy husk was made from the vehicle owned by the father of this petitioner. From the trolley bags being carried by the co-accused persons, recovery of 32.20 kg



and 32.6 kg of poppy husk respectively, was made from other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case and he is innocent. Nothing incriminating has been recovered from person or possession of this petitioner. Even from the FIR it is apparent that the other co-accused persons belonging to the State of Punjab took the vehicle of the petitioner on hire and the petitioner has not knowledge about the nature of article being carried by the co-accused persons. The conscious possession of the contraband was all time with the two co-accused persons who were to travel from Gaya to Ludhiana. Learned counsel further submits that moreover even if it is considered that the recovery has been made from the petitioner, weight of the recovery has been shown along with the bag and recovery from possession of this petitioner is 29 kg and even if the recovery from the vehicle is considered, the same is again with the bag and it will come below the commercial quantity of 50 kg. Learned counsel further submits that co-accused Mandeep Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.01.2026 passed in Cr. Misc. No. 146 of 2026 though the allegation against him in the



FIR is that he owned the alleged contraband along with co-accused Sanjiv Kumar. The petitioner is in custody since 31.07.2025 and charge sheet has been submitted. The petitioner bears no criminal antecedent.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that recovery of 116.7 kg of poppy husk was made from the petitioner and other co-accused persons.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and doubt over his involvement and also considering his period of custody, submission of charge sheet and grant of bail to co-accused, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya/concerned court, in connection with /Rail Gaya P.S. Case No. 228 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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