

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3505 of 2026**

Arising Out of PS. Case No.-35 Year-2025 Thana- SUPAUL District- Supaul

Ram Prasad Sharma S/O Late Prayag Sharam Resident of Ward No. 13,  
Haripur, P.O.- Beldaur, P.S- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 3794 of 2026**

Arising Out of PS. Case No.-35 Year-2025 Thana- SUPAUL District- Supaul

Indal Kumar Son of Ganpat Yadav R/o Village - Mathar, Ward No.- 10, P.S.-  
Muffasil, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 3505 of 2026)

For the Petitioner/s : Mr. Upendra, Prasad, Adv.  
Mr.Rajiv Ranjan, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP  
(In CRIMINAL MISCELLANEOUS No. 3794 of 2026)

For the Petitioner/s : Mr. Sanjeev Kr. Mishra, Sr. Adv.  
Mr.Arvind Kumar, Adv.  
Mr. Abhishek Bharti, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

3      25-02-2026                      Both the cases are being taken up together as they  
arise out of the same P.S. Case No. 35 of 2025.

2. The petitioners seek bail in connection with NDPS  
Case No.09 of 2025 arising out of Supaul P.S. Case No. 35 of  
2025 under Sections 8, 20(b)(ii)(c) and 25 of NDPS Act.



3. There is recovery of 123.45 Kgs. of *ganja* from a Scorpio vehicle bearing Reg No. BR-01PH-5532.

4. Mr. Upendra Prasad, learned Advocate appearing on behalf of the petitioner in Cr. Misc. No. 3505 of 2026, submits that the petitioner has been falsely implicated in the case. He is neither the owner of the seized Scorpio vehicle nor the driver thereof, but was merely waiting for the vehicle, and the driver fled away from the spot. It is further submitted that there was no independent witness to the seizure list, thereby violating the mandatory provisions relating to search and seizure. No recovery has been made from the conscious possession of the petitioner. The petitioner is an old man aged about 76 years with no criminal antecedent and undertakes to co-operate in case/trial.

5. Mr. Sanjeev Kumar Mishra, learned Senior counsel appearing on behalf of the petitioner in Cr. Misc. No. 3794 of 2026, submits that earlier prayer for bail was rejected by order dated 17.06.2025 passed in Cr. Misc. No. 35748 of 2025. The present bail application has been renewed on the ground that the stage of the case has now changed as after submission of the charge-sheet, charges have been framed and the next date fixed for prosecution evidence is 13.02.2026, as such, case is at the



stage of prosecution evidence and there is no likelihood of conclusion of the trial in near future. It is further submitted that the petitioner has been implicated in the case only for the reason that he happens to be the owner of the alleged vehicle. A reference has been made to the judgments of Hon'ble Supreme Court and also co-ordinate Bench of this Court to contend that any charge-sheet submitted without FSL report is an incomplete charge-sheet and the petitioner is entitled to grant of bail on such ground.

6. It is jointly submitted that both the petitioners have no criminal antecedents and are not likely to commit any offence. They have remained in custody since 30.11.2025 and 22.02.2025 respectively.

7. Learned APP for the State has opposed the prayer for bail on the ground that the case involves recovery of commercial quantity of *ganja*.

8. Taking into consideration the rival submissions of the parties and also considering the fact that no recovery has been made from the conscious possession of the petitioners, they have remained in custody for more than one year, coupled with the fact that trial has only commenced and there is no likelihood of conclusion of trial in the near future, the



petitioners are directed to be enlarged on bail in connection with NDPS Case No.09 of 2025 arising out of Supaul P.S. Case No. 35 of 2025 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 Court concerned where the case is pending/successor Court, subject to the following conditions:-

(I) One of the bailors of the petitioners shall be the family member/close relative of the petitioners.

(II) The petitioners shall remain physically present in the learned trial Court on each date and shall cooperate in the trial. In case the petitioner is absent on the two consecutive dates without sufficient reasons, the learned trial Court would be at liberty to cancel the bail bonds of the petitioner.

**(Soni Shrivastava, J)**

Harsh/-

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