

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89128 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- GAYA RAIL P.S. District- Gaya

1. Anil Kumar S/o Chandrapal Kumar R/o Village - Badnawa, P.S - Binauli,
District - Bagpath, State - U.P
2. Bhola Thakur S/o Satynarayan Thakur R/o Village - Godhar, P.S - Khirhar,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Rail
Gaya P.S. Case No. 92 of 2025 instituted for the offences under
Sections 8, 20(b),ii(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 16.428 kg of
ganja has been recovered in this case.

4. Learned counsel for the petitioners submitted that
the petitioners have falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioners are in
custody since 08.04.2025 and have no criminal antecedent.
There is no allegation of tampering of witnesses alleged against



the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. The recovered contraband is below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rail Gaya P.S. Case No. 92 of 2025, subject to the following conditions:

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

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel



the bail bonds of the petitioners.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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