

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91920 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- GHURNA District- Araria

Arshad @ Arshad Hussain S/o Nurul Hasan R/o Village - Pathraha, Ward No. 15, P.S - Ghurna, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr.Kumar Rajdeep, Adv.

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Ghurna P.S. Case No.57 of 2025, registered for the offence under Sections 317(5) BNS and 8/20(b)(ii)(c) of Narcotic Drugs & Psychotropic Substance Act, 1985.

3. As per the prosecution case, on 17.08.2025 at about 02:00 hrs, information was received from reliable sources that some people were coming from Nepal on two four-wheeler for the purpose of smuggling some narcotic substance, *Ganja*. Based on this information, a team was constituted. As soon as the team reached the said place, they saw a dark Grey Scorpio and a white Scorpio coming from Ghurna. As soon as they came near, the raiding team asked them to stop but instead of



stopping, the drivers of both vehicles tried to increase the speed of their vehicles. The driver of the dark Grey Scorpio stopped the vehicle and managed to escape. However, the team managed to apprehend two persons sitting in the white Scorpio. Upon inquiry, they disclosed their names as Tarun Kumar Yadav and Shivam Kumar. As no independent witnesses were found, two members of the team namely Gulshan Kumar and Virendra Kumar were made independent witnesses. During the search of both the vehicles, a substance resembling *Ganja* was recovered. Upon weighing, the *Ganja* recovered from both the vehicles, was found to be 74.500 kg. After preparing a seizure list and an arrest memo, Tarun Kumar Yadav and Shivam Kumar were arrested. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. Learned counsel for the petitioner further submits that petitioner is named in the FIR as an accused and has two criminal antecedents which have been disclosed in paragraph-3 of the application. It is submitted that his name has come in the FIR on the basis of statement made by the co-accused. It is further submitted that he was not apprehended on the spot and no *Ganja* was recovered from his actual possession. The *Ganja*



which was recovered from the place of occurrence is from the vehicle which belong to other accused person. It is also submitted that in the two criminal cases in which the petitioner is an accused, he is already on bail and they are not of NDPS Act.

5. The learned APP opposes the anticipatory bail application.

6. Considering the totality of the circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal District & Sessions Judge, Araria in connection with Ghurna P.S. Case No.57 of 2025, subject to the conditions laid down under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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