

**In the court of Exclusive Special Judge Court No.I ,NDPS,
East Champaran, Motihari.
A.B.P. No. 3326/2026 1**

**In the court of Exclusive Special Judge Court No.I ,NDPS, East
Champaran, Motihari.**

At Present:-

**Reshma Verma,
Excl. Spl. Court-I, NDPS Act.
East Champaran, Motihari.**

(Arising out of Raghunathpur P.S.Case No.83/24,U/s 20(b)(ii)(B), 29 & 23(C) of N.D.P.S Act)

State

VS

Guddu Giri..... Accused

Appearance: -

Counsel for the petitioner : - Sri. Pawan Kumar, Ld. Advocate.

Counsel for the State/O.P. : - **Dr. Shambhu Sharan Singh, Ld. Spl. P.P.**

Date of Order:- 18-08-2026

O R D E R

1. This anticipatory bail petition has been filed on behalf of accused-petitioner, Guddu Giri, who is in apprehending his arrest in connection with Raghunathpur P.S. Case No. 83 of 2024, U/s 20(b)(ii)(B), 29 & 23(C) of the N.D.P.S Act.
2. Heard Ld. Counsel appearing on behalf of the petitioner/accused person and Ld. Spl. P.P. for the State.
3. The prosecution case in brief is that on 21.08.2024 at about 12:05 hours, informant along with police officials were for patrolling duty. In the mean time secret information was received that Deepak Kumar @ Vikash Singh, wanted criminal of Harsidhi P.S. case no 68/24, was liquor dealer, ganja and charas dealer, is going towards DAV school, in vehicle, bearing its registration no MH12 UC6821, then for verification of the said information and necessary action, informant along with other police officials, were reached at Hardiya road and start conducting the vehicle checking, then saw that, as per the secret information said car was coming, and upon seeing the police officials, car driver was trying to flee away, but with the help of police officials, he was apprehended. On interrogation, apprehended driver of the said vehicle disclosed his name as Deepak Kumar @ Vikash Singh, then in the presence of two police party members witnesses and given a notice under section 50 of NDPS Act to the apprehended Deepak Kumar @

**In the court of Exclusive Special Judge Court No.I ,NDPS,
East Champaran, Motihari.
A.B.P. No. 3326/2026 2**

Vikash Singh and search was conducted one packet contained 480.46 grams and another packet contained 399.10 grams i.e. total 879.56 grams of Charas like materials were recovered from the dicky of said vehicle. Accordingly, seizure list had been prepared and one copy of which had been given to apprehended accused and apprehended accused along with seized materials had taken to the police station.

4. Ld. Counsel on behalf of the petitioner has submitted that no other regular or anticipatory bail application has ever been filed either in your honours court or before any higher court. Petitioner is quite innocent, and has committed no offence and rather he has wrongly and falsely been implicated into this false and fabricated case due to malice intention and grudge malafidely. That petitioner has got no criminal antecedent except Matiyariya P.S. case no. 90/2022 and Ramnagar P.S. case no. 160/2019 and the allegations whatsoever levelled in the FIR against the petitioner is out and out false, fabricated, manipulated and concocted. That the petitioner was neither present at the place of occurrence nor apprehended from the spot, his name has surfaced only in the confessional statement of the co-accused and nothing has been recovered from the person and possession of the petitioner. That section 29 of NDPS Act has been mechanically invoked without any material showing meeting of minds, prior arrangement, or overt act attributable to the petitioner and the prosecution party violated provisions of search and seizure which was adopted by the legislature in section 42 and 43 of the NDPS Act and also violated the provisions laid down under section 50 of NDPS Act. It is also imperative to mention that the provisions regarding the sampling process have been violated. There is no disclosure regarding whether the seizing officer obtained sample from packet as mandated. It is therefore pleased to enlarge the petitioner on anticipatory bail and for this the petitioner shall ever pray.

5. The learned Special Public Prosecutor appearing on behalf of State has opposed the prayer for anticipatory bail of petitioner on the basis of materials available on record. The recovery involves prohibited drugs and narcotic substances. Therefore the anticipatory bail in such serious case would hampered investigation.

6. Having heard both both sides and perused of F.I.R. as well as documents available with record, it appears that petitioner is named accused in the F.I.R. and there is allegation against this accused-petitioner is that, in para- 11 & 12 of the case diary, Nasima Sarfaraj Sheikh, the owner of the seized vehicle in this case, said that she had sold the said vehicle to this accused-petitioner Guddu Giri and in para- 13, family of Guddu Giri told that

**In the court of Exclusive Special Judge Court No.I ,NDPS,
East Champaran, Motihari.
A.B.P. No. 3326/2026 3**

Deepak Kumar @ Vikash Singh had borrowed the said vehicle. However, the prosecution case is not founded merely upon the statement of the co-accused. The case diary discloses an important circumstance regarding the vehicle allegedly used in transportation of the contraband. During investigation, the registered owner of the said vehicle has stated that the vehicle had been sold by him to the present petitioner through a sale deed. The said circumstance, at this stage, provides a prima facie link between the petitioner and the vehicle allegedly used in the transportation of the contraband. The case involves recovery of prohibited drugs and narcotic substance. The case diary indicates that investigation is going on and there is sufficient materials available in para- 24 & 25 of the supervision note, the role of the this accused-petitioner is being proved, and in para-3 of the bail petition, two criminal history against this accused-petitioner.

7. In the facts and circumstances and keeping in view the nature of allegation and recovery of prohibited drugs and narcotic substances in this case, and stage of case investigation is pending. Hence, I am not inclined to enlarge the accused/petitioner **Guddu Giri** on bail at this stage and his prayer of anticipatory bail is hereby **Rejected**.

8. Let a copy of this order to be sent to the Court concerned.

(Dictated)

Sd/-

(Reshma Verma)

Excl. Spl. Court-I, NDPS Act.

Motihari, East Champaran.

Dated: 18.08.2026.