

In the Court of District & Addl. Sessions Judge- I-Cum Special Judge NDPS

Vaishali at Hajipur,

Sarai PS Case No.- 14/2024

NDPS No.-29/2024

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In the matter of :-

Abhishek Rai @ Gova @ Bojha, Son of Ram Pravesh Rai @ Sadhu Rai, R/o
Village- Kajari Bujurg, PS-Jandaha, District-Vaishali, petitioner

Order

25.07.2025 A bail petition on behalf of the petitioner Abhishek Rai @ Gova @ Bojha who is in custody since 25.01.2024 in connection with Sarai PS Case No.- 14/2024 (NDPS-29/2024) filed and moved.

The prosecution case in short is that on 24.01.2024 at 10:25 AM when the informant along with other personnel reached in the mango orchard, on seeing the police vehicle nine persons started to flee away, out of whom seven persons were apprehended and two persons succeeded to flee away. The apprehended accused persons disclosed their name as Rishu Kumar Singh @ Rishu Kumar, Badal Kumar, Abhishek Ray @ Goba @ Bojha, Ankit Pathak, Golu Kumar, Murlidhar Kumar @ Munna and Ankit Kumar. It is further alleged that on search one country made pistol along with live cartridge has been recovered from the possession of accused Badal Kumar. One country made pistol along with one live cartridge has been recovered from the possession of accused Golu Kumar @ Daya. Three Smart phones have been recovered from the possession of Murlidhar Kumar @ Munna Kumar. Two smart mobiles phone, one of Nokia and another of Vivo company have been recovered from the possession of Ankit Pathak and one Smart Phone has been recovered from the possession of Ankit Kumar. It is further alleged that in course of searching body of accused Rishu Kumar 1 kg 50

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Sarai PS Case No.- 14/2024NDPS No.-29/2024

gram narcotics substance like as AFIM/CHARAS has been recovered and 250 grams Narcotics substance like as Charas and a mobile phone have been recovered from the possession of Abhishek Ray @ Bojha. The apprehended accused Rishu Kumar disclosed the name of the persons who fled away as Ghanshayam Thakur and Prince Kumar. Accordingly, the seizure list was prepared and the apprehended accused persons were arrested.

Learned counsel for petitioner submitted that petitioner is innocent and he has committed no offence whatsoever as alleged. It is further submitted that petitioner has long criminal antecedent against his name (i) Jandaha PS Case no. 193/2022, u/s 419, 399, 402 of IPC and section 25(1-b)a, 26,35 of Arms Act, (ii) Jandaha PS Case no.153/2022, u/s 392 of IPC, (iii) Jandaha PS Case no. 139/2022, u/s 394 of IPC, (iv) Mahua PS Case no. 360/2022, u/s 399, 402, 414 of IPC and section 25(1-b)a, 26, 35 of Arms Act, (v) Mahua PS Case no. 359/2022, u/s 392 of IPC, (vi) Mahua PS Case no. 358/2022, u/s 392 of IPC, (vii) Town Hajipur PS Case no.-470/2022, u/s 396 of IPC, (viii) Sarai PS Case no. 11/2024, u/s 302, 120(B) of the IPC and 27 of Arms Act, (ix) Hajipur Town PS case no. 23/2024, u/s 302 of IPC and section 27 of Arms Act. It is further submitted that allegations against petitioner is false, fabricated, concocted and baseless. It is further submitted that no any alleged articles has been recovered from the conscious possession of petitioner. It is at last submitted that petitioner is ready to abide by all the terms and conditions which are imposed upon him and is ready to furnish sound bail bond of local bailors to the satisfaction of the learned court. It is therefore prayed that petitioner be allowed regular bail.

Learned Special Public Prosecutor opposed the prayer for bail and submitted that police has recovered 250 grams Narcotics substance like Charas and a mobile phone from the possession of Abhishek Ray @ Bojha and total 1kg 300 gram charas recovered in the matter and hence this is not a fit case to admit the

petitioner to regular bail and hence his bail application is fit to be rejected.

Heard the parties and perused the record. After perusal of record and case diary, it transpires that the accused petitioners are named in the FIR alongwith other accused persons. It is alleged that the petitioners have committed the alleged offences in the company of other co-accused persons as mentioned in the FIR. From the FIR it also appears that they have assembled for committing robbery in the banks situated at Sarai/Bhagwanpur. The seizure list is mentioned in para 2 of the case diary in which 250 gram charas along with mobile phone were seized from the possession of the petitioner and from the other co-accused persons country made pistols along with cartridges and narcotic substance such as Charas/Afim of 1kg 50 gm were seized. The petitioner have long criminal antecedent against his name. He is shown to be accused in (i) Jandaha PS Case no. 193/2022, u/s 419, 399, 402 of IPC and section 25(1-b)a, 26,35 of Arms Act, (ii) Jandaha PS Case no.153/2022, u/s 392 of IPC, (iii) Jandaha PS Case no. 139/2022, u/s 394 of IPC, (iv) Mahua PS Case no. 360/2022, u/s 399, 402, 414 of IPC and section 25(1-b)a, 26, 35 of Arms Act, (v) Mahua PS Case no. 359/2022, u/s 392 of IPC, (vi) Mahua PS Case no. 358/2022, u/s 392 of IPC, (vii) Town Hajipur PS Case no.-470/2022, u/s 396 of IPC, (viii) Sarai PS Case no. 11/2024, u/s 302, 120(B) of the IPC and 27 of Arms Act, (ix) Hajipur Town PS case no. 23/2024, u/s 302 of IPC and section 27 of Arms Act. Para 50 of the case diary shows that the petitioner along with other co-accused persons were also remanded on 08.02.2024 in Sarai PS Case no.11/2024, dated 17.01.2024, u/s 302, 120(B) of IPC and 27 of Arms Act from which it appears that the petitioner is members of gang and he is habitual to commit such type of offences. The witnesses have also supported the prosecution case in para 5,6,7,8 and 9 of the case diary.

In the above facts, circumstances of the case, considering the fact that 250 gram charas and a mobile phone were recovered from the conscious possession

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of petitioner and total 1kg 300 gm charas of commercial quantity has been recovered in the matter, nature of offences and large criminal antecedents of the petitioner, I am not inclined to enlarge the accused petitioner on regular bail and hence the bail application so filed on his behalf is hereby rejected.

District & Addl. Sessions Judge-I-
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25.07.2025