

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 1479 of 2026

Ashok Kumar @ Ashok Kumar Adhikari, S/o Anil Kumar @ Anil Kumar Adhikari, R/o Block More, PO & PS-Lohardaga, District-Lohardaga

... .. Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the petitioner : Mr. Krishna Murari, Advocate
Mr. Ritesh Kumar Pathak, Advocate

For the State : Mr. Bhola Nath Ojha, Spl.P.P

04/17.04.2026 The petitioner is apprehending his arrest for the offence punishable under Section 20(b) II(A)/32 of the N.D.P.S Act in connection with Lohardaga P.S. Case No. 147/2024, pending in the court of Session Judge-cum-Special Judge, Lohardaga.

2. Learned counsel for the petitioner submits that the petitioner's prayer for grant of anticipatory bail was earlier rejected by this Court vide order dated 12.11.2024 passed in A.B.A No. 6923 of 2024. By way of present application, the petitioner has renewed his prayer for grant of anticipatory bail particularly in view of the fact that co-accused Rekha Devi (the petitioner's wife) has subsequently been granted anticipatory bail in the connection with the present case i.e., Lohardaga P.S. Case No. 147 of 2024 vide order dated 09.01.2026 passed in A.B.A No. 01 of 2026.

3. Learned counsel for the petitioner puts reliance on the judgment rendered by a Division Bench of this Court in the case of "**Bhimal Ram Vs. State of Jharkhand**" reported in **2009 SCC OnLine Jhar 1367** and submits that if the similarly situated co-accused with identical allegations has been granted bail or anticipatory bail, that would be considered as change in the fact and on that ground the second application for bail/anticipatory bail can be

entertained by this Court. Since similarly situated co-accused Rekha Devi has subsequently been granted anticipatory bail by a co-ordinate Bench of this Court, the petitioner's present anticipatory bail application may be considered afresh and he may be given the privilege of anticipatory bail.

4. On the contrary, learned Spl.P.P while opposing the petitioner's prayer for grant of anticipatory bail submits that the anticipatory bail application of the petitioner was earlier rejected on merit by this Court vide order dated 12.11.2024 passed in A.B.A No. 6923 of 2024. While rejecting the said anticipatory bail application, this Court appreciated the fact that there was a recovery of *ganja* weighing 2 kg and 652 grams from the general store owned by the petitioner. In addition to that, 380 pieces of clay-*chillum* and joint papers used for smoking *ganja* were also recovered from the said general store. The videography of search and seizure of *ganja* and other recovered articles was also made.

5. Learned Spl.P.P further submits that on perusal of the order dated 09.01.2026 passed by a co-ordinate Bench of this Court in A.B.A No. 01 of 2026 (Rekha Devi Vs. The State of Jharkhand), it would be evident that the fact regarding rejection of the petitioner's prayer for grant of anticipatory bail vide order dated 12.11.2024 passed in A.B.A No. 6923 of 2024 was not brought to the notice of the co-ordinate Bench. Had the said fact been placed before the co-ordinate Bench while considering A.B.A No. 01 of 2026, the result of the same could have been different. It is also submitted that subsequent to rejection of the petitioner's prayer for grant of anticipatory bail vide order dated 12.11.2024, the DFSL report dated

29.01.2025 has been received by the Investigating Officer. The said fact has been recorded in paragraph-71 of the case diary. The said report has confirmed the fact that the substance collected during the search and seizure is *ganja*. The recovered quantity of *ganja* is above the small quantity. Under the said circumstance, the petitioner may not be given the privilege of anticipatory bail.

6. Heard learned counsel for the parties.

7. The learned counsel for the petitioner has primarily relied on the order dated 09.01.2026 passed by a co-ordinate Bench of this Court in A.B.A No. 01 of 2026 which relates to co-accused Rekha Devi i.e., the wife of the petitioner. On perusal of the said order, it appears that the fact regarding the rejection of the petitioner's prayer for grant of anticipatory bail vide order dated 12.11.2024 passed in A.B.A No. 6923 of 2024 was not brought to the notice of the said Court. Moreover, the petitioner's prayer for grant of anticipatory bail has been rejected on merit vide order dated 12.11.2024. Except that co-accused Rekha Devi has subsequently been granted anticipatory bail in connection with the present case, no new material has come out during the investigation to suggest that the petitioner was not involved in commission of the alleged offence. Since the petitioner's bail application has earlier been rejected on merit, I am not inclined to reconsider his prayer for grant of anticipatory bail.

8. Accordingly, the present anticipatory bail is rejected.

(Rajesh Shankar, J.)

April 17, 2026
Manish
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