

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 8368 of 2026

Tapas Kumar Malla, aged about 47 years, son of Ananta Charan Malla @ Anant Charan Malla, resident of Mangalpur, P.O. Kusupanga, P.S. -Kantabariya, District -Dhenkanal, (Odisha).

... Petitioner

Versus

The State of Jharkhand

...

Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Rajesh Kumar, Advocate

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

Order No.02 Dated- 09.09.2026

Heard the parties.

The petitioner has moved this Court for grant of bail in connection with N.D.P.S. Case No. 07 of 2024 arising out of Daltonganj P.S. Case No.119 of 2024 registered for the offences punishable under sections 20(b)(ii)(c) and 22 of the Narcotic Drugs and Psychotropic Substances Act.

This is the second journey of the petitioner with the prayer for regular bail. Earlier the prayer for regular bail of the petitioner was rejected vide order dated 28.11.2024 in B.A. No. 9842 of 2024. The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner was involved in purchase and sale of Ganja and 49 Kg of Ganja which comes under commercial quantity has been seized in connection with this case. It is next submitted that from the possession of the petitioner only 10.260 Kg of Ganja kept in his bag was recovered as stated by the P.W.3. It is further submitted that the allegations against the petitioner are all false and so far four witnesses have been examined. Hence, it is submitted that the petitioner be admitted to bail.

The learned Spl. P.P. on the other hand vehemently opposes the prayer for bail and submits that all the four witnesses so far examined during the trial have supported the case of the

prosecution and in view of the overwhelming evidence that the come through the four witnesses examined against the petitioner, there is every chance of the petitioner absconding and tampering with the evidence, if released on bail. It is next submitted that in view of the recovery of Ganja in commercial quantity, the rigors of Section 37 of the Narcotics Drugs and Psychotropic Substances Act is attracted in this case. It is then submitted that, in the absence of any material to suggest that there are reasonable grounds to believe that the petitioner is not guilty of the offence and that he is not likely to commit any offence while on bail, the petitioner ought not to be admitted to bail.

Considering the serious nature of allegation against the petitioner of being involved in purchase and sale of 49 Kg of Ganja which comes under commercial quantity and the chance of the petitioner absconding and tampering with the evidence as well as in the absence of any material to be satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the offence and that he is not likely to commit any offence while on bail, this Court is not inclined to admit the petitioner on bail at this stage.

Accordingly, the prayer for bail of the above-named petitioner is rejected.

(Anil Kumar Choudhary, J.)

09.09.2026
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