

IN THE HIGH COURT OF JHARKHAND AT RANCHI
ABA No. 5276 of 2025

Raj Kumar Kunwar @Ram Prasad Kunwar@ Raju Layak aged
about 51 years son of Abadesh Kunwar, resident of village
Nayatkar, P.O. Bari Ranbahiyar, P.S. Ramgharh, District-
Dumka (Jharkhand). ... Petitioner

Versus

The State of Jharkhand ... Opp. Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Arun Kumar ,Adv.

For the State : Ms. Priya Shrestha, Spl. PP.

02 / 19.09.2025

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Ramgarh P.S. Case No. 27 of 2015 registered for the offences punishable under Sections 18 and 20 of the NDPS Act.

Learned counsel appearing for the petitioner submits that this is the second journey of the petitioner with the prayer of anticipatory bail. Learned counsel appearing for the petitioner submits that the only fresh ground is that the co-accused persons, who faced the trial, have been acquitted by the judgment dated 27.02.2025 passed by learned Additional Sessions Judge, I, Dumka. It is next submitted that the petitioner is ready to co-operate with the investigation of the case hence, the petitioner be given the privilege of anticipatory bail.

The learned Spl. PP vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner is absconding since rejection of his anticipatory bail for last more than four years and because of the same, the investigation could not proceed against the petitioner. It is next submitted that since the petitioner has not faced the

trial, hence, the question of evidence being brought on record against him, in the trial of the co-accused persons, does not arise. It is next submitted that the custodial interrogation of the petitioner is required during investigation of the case keeping in view the fact that the petitioner indulged in cultivation of *posta*/ poppy plants, over large area of land, hence, the quantity of the *posta* / poppy plants cultivated over large area of land comes under commercial quantity, hence, the rigors of Section 37 of the N.D.P.S. Act, 1985 is attracted in this case. It is submitted that the petitioner ought not be given the privilege of anticipatory bail.

Considering the serious allegations against the petitioner and his conduct of absconding for more than four years since rejection of his earlier anticipatory bail application on 05.08.2021, this court is not inclined to give the privileges of anticipatory bail to the petitioner. Accordingly, the prayer of anticipatory bail of the petitioner is rejected for the same reasons as mentioned in the order dated 05.08.2021 passed in ABA No. 3935 of 2020.

(ANIL KUMAR CHOUDHARY, J.)

Dated 19.09.2025
Smita/-