

IN THE HIGH COURT OF JHARKHAND, RANCHI
A.B.A. No. 5306 of 2025

Umesh Barnwal @ Umesh Kumar, aged about 45 years, son of
Bajrang Lal, village – Tisri, near Ganva Road Dharmkanta, PO
and PS – Tisri, District – Giridih, Jharkhand

.... Petitioner

-- Versus --

The State of Jharkhand

.... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Saurabh Shekhar, Advocate

For the State :- Mr. Bhola Nath Ojha, Advocate

03/14.10.2025 Heard learned counsel appearing for the petitioner as well
as the learned counsel appearing for the State.

2. The petitioner is apprehending his arrest in connection with
Rajrappa P.S. Case No.138 of 2025, for the alleged offences
registered under Section 15(c) and 25 of Narcotic Drugs and
Psychotropic Substances (NDPS) Act pending in the Court of learned
Principal District Judge, Ramgarh.

3. Learned counsel appearing for the petitioner submits that
the petitioner happened to be the owner of Pickup van. He further
submits that the said pickup van was commercially utilized and it
was being driven by the driver. He then submits that the allegations
are made that from the pickup van 480.27 kg of doda has been
recovered. He next submits that on confessional statement the
name of the petitioner has come. He also submits that the

petitioner has got no criminal antecedent as disclosed in paragraph No.13 of the petition. He submits that in the FIR itself it has been stated that the driver has stated that he has taken the said doda from one of the village for selling it to another place.

4. Learned counsel appearing for the State opposes the prayer and submits that the said quantity of the doda has been recovered from the vehicle in question of which the petitioner happened to be the owner. He submits that the driver on confessional statement stated that on instruction of the petitioner it was being carried. He also submits that the petitioner and the driver were in constant touch that has come in the CDR.

5. In light of above submission of learned counsel appearing for the parties it is an admitted position that the petitioner is the owner of the van in question wherefrom 480.27 kg of doda has been recovered and in the FIR itself the driver has stated that he has taken the said doda from one of the village for selling it to another place.

6. Admittedly, the petitioner was not sat in the said vehicle and in the case of ***Bishwajit Dey v. State of Assam reported in (2025) 3 SCC 241***, Hon'ble Supreme Court with regard to the seized vehicle arising out of the NDPS case has stipulated four conditions in what circumstances the vehicle can be released. In two of the circumstances analyzed by Hon'ble Supreme Court in the said judgment it has been held that the vehicle can't be released,

however, in two of the another situation wherein the owner is not on the vehicle and it is being used by another person the vehicle can be said to be released. It has also been clarified in that judgment that however in the facts and circumstances of each case the case is required to be decided that cannot be a sole parameter of releasing of the vehicle. Admittedly, in the case in hand the petitioner was not on the spot and he is said to be the owner of the said vehicle and driver and other persons have taken the name of the petitioner and the petitioner has got no criminal antecedent as disclosed in paragraph No.13 of the petition, I am inclined to provide anticipatory bail to the petitioner.

7. Accordingly, the petitioner, above named, is hereby directed to surrender before the learned Court within three weeks from today, and in the event of his surrender/arrest, the petitioner, above named, shall be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of the like amount each, to the satisfaction of learned Principal District Judge, Ramgarh in connection with Rajrappa P.S. Case No.138 of 2025, subject to the conditions as laid down under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sanjay Kumar Dwivedi, J.)

*Dated 14.10.2025
Sangam/*