

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 9258 of 2025

 Nishant Upadhayay @ Nishant, S/o Vijay Prakash Upadhayay, R/o Village-
 Hathiya Garh, PO- Hathia, PS- Old Basti, District- Basti (Uttar Pradesh).

.... Petitioner

Versus

The State of Jharkhand Opposite Party

With

B.A. No. 9611 of 2025

 Pramod Kumar, S/o Brijkishor, R/o Village- Lakhanawa, PO and PS- Basti,
 District- Basti, Uttar Pradesh Petitioner

Versus

The State of Jharkhand Opposite Party

With

B.A. No. 10154 of 2025

 Abhiraj Singh, S/o Bhim Raj Singh, R/o Village- Dusauti, PO and PS-
 Maharajganj, District- Rai Bareli (Uttar Pradesh).

.... Petitioner

Versus

The State of Jharkhand Opposite Party

With

B.A. No. 10876 of 2025

-
1. Aryan Singh, S/o Daya Shankar Singh, R/o Village- Dusauti, PO and PS-
 Maharajganj, District- Rai Bareli (Uttar Pradesh).
 2. Pradeep Kumar Goutam @ Pradeep Kumar, S/o Late Dukhi Ram, R/o
 Village- Ganeshpur, PO and PS- Chinhat, District- Lucknow (Uttar
 Pradesh).

.... Petitioner

Versus

The State of Jharkhand Opposite Party

.....

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

.....

For the Petitioners : Mr. Abhay Kr. Chaturvedy, Advocate

Mr. Kumar Nishant, Advocate

For the State : Mr. Bhola Nath Ojha, APP

Mr. Vineet Kr. Vashistha, SPP

Order No.6 / Dated : 17.02.2026.

Heard both the sides.

All the four aforesaid bail applications are arising out of common
 FIR, as such, they are being heard and disposed of, by this common order.

The petitioners, above-named, who are in custody in connection
 with Chandwa P.S. Case No.173 of 2025 for the offence registered under
 Sections 20(b)(ii)(c), 25 and 29 of the NDPS Act have moved for grant
 of regular bail.

As per the FIR, it is alleged that on 19.07.2025, on routine checking, 83.3 Kg. of cannabis was seized from the Innova vehicle bearing Registration No.OD 02AD – 4786 and 48.2 Kg. was seized from one Eartiga vehicle bearing Registration No.UP32 QT- 2705. Altogether five persons/ petitioners were apprehended on the spot.

It is submitted by the learned counsel on behalf of petitioners that all these petitioners are of tender age and students, in custody since July, 2025. Investigation has been completed and charge-sheet has been submitted.

It is argued that the seizure was not effected in presence of the independent witnesses and the procedural requirement of sample being collected in presence of the Magistrate has not been complied with.

Learned A.P.P./ SPP for the State has vehemently opposed the prayer for bail. It is submitted that the matter involves seizure of commercial quantity of Narcotic substances and all the accused persons/ petitioners were apprehended on the spot with the huge quantity of cannabis which were being smuggled from Sambalpur, Orissa to Lucknow, Uttar Pradesh. As per the statement made in the case diary, sampling was done in presence of the Magistrate. It is submitted that rigors of Section 37 of the NDPS Act will apply in the facts and circumstances of the case. Reliance is placed on **2025 SCC OnLine 3049 [Union of India vs. Namdeo Ashruba Nakade]**.

Matter involves seizure of commercial quantity of cannabis which was being transported in two vehicles, and the Petitioners were arrested from the vehicles. Under the facts and circumstances of the case, the prayer for bail of the petitioners, is hereby, rejected.

(Gautam Kumar Choudhary, J.)

Sandeep/

Uploaded