IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.4251 of 2026

Sugyan Katua @ Sugyan Khatua, aged about 30 years, Son of Jadu Khatua @ Jadu Katua @ Jadu Kotua, resident of Vill. – Jhingkarpali, P.O.- Bagiabad, PS Manamunda @ Manomunda, District Baudh, Odisha @ Orissa – 762017. (Aadhar No. – 8961 3962 1612)

.... …. Petitioner

Versus

The State of Jharkhand .... Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Sudhanshu Shekhar, Advocate
For the State : Mr. Bhola Nath Ojha, Spl.P.P.

Order No:-03 Dated:-01-07-2026

Heard the parties.

The petitioner has been made accused in connection with NDPS Case No. 07 of 2024 arising out of Daltonganj Town P.S. Case No.119 of 2024 registered for the offences punishable under Sections 20(b)(ii)(c), 22 of the NDPS Act.

This is the third journey of the petitioner with the prayer for regular bail. Earlier the prayer for regular bail of the petitioner was rejected on merit by a Co-ordinate Bench of this Court vide order dated 28.11.2024 passed in B.A. No. 8917 of 2024 and subsequently, the prayer for regular bail of the petitioner was dismissed as withdrawn by a Co-ordinate Bench of this Court vide order dated 12.02.2026 passed in B.A. (Filing) No. 9696 of 2025.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner was involved in sell and purchase of Ganja and in total 49 kg of Ganja which comes under commercial quantity, has been recovered from the petitioner and the co-accused persons but 11.640 kg of Ganja has only been recovered from the petitioner. It is next submitted that the allegation against the petitioner is false. Learned counsel for the petitioner then submits that the fresh ground is that so far, four witnesses have been examined

during the trial of the case and they have supported the case of the prosecution.

Learned counsel for the petitioner relies upon the Order of the Hon'ble Supreme Court of India in the case of **Rabi Prakash vs. The State of Odisha** reported in **2023 LiveLaw (SC) 533,** para-4 of which reads as under:-

> *"4. As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent – State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re: formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three and a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act."* *(Emphasis supplied)*

and submits that since the petitioner has been in custody since 26.03.2024 as is evident from para-16 of the instant bail application, the prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution of India, hence, in such a situation, the conditional liberty must be override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act. It is lastly submitted that the petitioner is ready and willing to co-operate with the trial of the case. Hence, it is submitted that the petitioner be released on bail.

Learned counsel appearing for the State on the other hand opposes the prayer for bail of the petitioner and submits that unlike the case of **Rabi Prakash vs. The State of Odisha (supra)**, in this case, four prosecution witnesses examined have supported the case of the prosecution, so, there is no justifiable reason to review the prayer for bail of the petitioner which has already been rejected on merit by a Co-ordinate Bench of this Court vide order dated 28.11.2024 passed in B.A. No. 8917 of 2024. Hence, it is submitted that the petitioner ought not to be released on bail.

Considering the serious nature of direct allegation against the petitioner of being involved in transportation and sell of illegal Ganja and as Ganja in commercial quantity has already been recovered as also the the evidence of the four witnesses examined by the prosecution, that has already come on record, this Court is of the considered view that this Court is not inclined to allow the prayer for bail of the above named petitioner at this stage.

Accordingly, the prayer for bail of the above named petitioner is rejected at this stage.

(Anil Kumar Choudhary, J.)

Dated:- 01.07.2026
Saroj/