

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20194 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. NIKHIL RAJ @ NIKHIL RAJ SINGH SON OF LALJEE SINGH @ LALJI SINGH RESIDENT OF VILLAGE - KATHEJ, P.S. - MOHANIA, DISTT. - KAIMUR AT BHABUA
 2. SANNI KUMAR VERMA SON OF ANIL SETH RESIDENT OF VILLAGE - KATHEJ, P.S. - MOHANIA, DISTT. - KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 8(c), 20(b) (ii), 8 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

The informant alleges that a motorcycle was intercepted on which three accused were sitting but two of them managed to escape and one Ankur Singh was apprehended from whose possession one kilogram of ganja was recovered and he disclosed the name of the petitioners as his associates.

Learned counsel for the petitioners submits that the



petitioners are persons with clean antecedent. Learned counsel next submits that petitioners have been falsely implicated in the present case, it is next submitted that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next submitted that they came to be implicated based on the confessional statement of Ankur Singh in police custody which does not have any evidentiary value, it is next submitted that even Ankur apart from disclosing the name of the petitioners has not even remotely suggested that petitioners were also carrying ganja.

The learned counsel relying on the case of *Toofan Singh vs. The State of Tamil Nadu Reported in 2021 4 SCC (1)* submits that the Hon'ble Supreme Court has held that a confessional statement recorded under Section 67 of the Narcotic Drugs and Psychotropic Substances Act remains inadmissible in the trial of an offence under the Narcotic Drugs and Psychotropic Substances Act.

The learned counsel next submits that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the investigating officer for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bhagwanpur P.S. Case No. 295 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors of the petitioners shall be their father Laljee Singh @ Lalji Singh and Anil Seth respectively.

(Satyavrat Verma, J)

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