

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16075 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- MANSI District- Khagaria

Hiralal @ Hira Singh @ Nitish Kumar @ Hira Singh Hira, S/O Lalbahadur Singh, Resident of village- Pahadchak, Manasi, P.S.- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-05-2025 Heard Mr. N. K. Agrawal, learned Senior Advocate
the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mansi P.S. Case No. 277 of 2024 registered for the offences punishable under Sections 21(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred to as 'the N.D.P.S. Act').

3. The police on a tip off trafficking of illicit liquor intercepted two persons, who were coming on a motorcycle, however, noticing the police party one of them succeeded in fleeing away and the apprehended person disclosed the name of the petitioner. On search, 70 liters of Codeine cough syrup and cash to the tune of Rs.9880 were recovered.



4. Learned Senior Advocate for the petitioner referring to the F.I.R. contended that save and except the confessional statement, there is no material available on record. Moreover, even if the statement, which is said to be recorded under Section 67 of the NDPS Act, is taken note of, the same is not admissible in law in view of the decision rendered by the Hon'ble Supreme Court in the case of ***Tofan Singh vs. State of Tamil Nadu***, reported in, ***(2021) 4 SCC 1***. Further contention has been made that even during the course of investigation, no incriminating material has been recovered from the whereabouts of the petitioner and in fact only on account of two past criminal antecedent, out of which one relates to Bihar Prohibition and Excise Act, the name of the petitioner has been implicated in this case. It is lastly contended that petitioner has neither any concern with the vehicles, in question, nor with the alleged recovered cough syrup. Moreover, there are various infirmities in the search and seizure, coupled with the fact that there is no chemical examination and the report of the Forensic Science Laboratory.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from the disclosure made by the apprehended person, the



petitioner is also carrying two criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in crime, punishable under Section 21(c) of the NDPS Act, as also the mandate of the Hon'ble Supreme Court and the fact the petitioner has no concern with the seized vehicle and the recovered cough syrup, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (NDPS), Khagaria in connection with Mansi P.S. Case No. 277 of 2024, subject to the condition as laid down under 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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