

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30397 of 2025

Arising Out of PS. Case No.-766 Year-2024 Thana- PURNEA SADAR District- Purnia

Akash Kumar Jaiswal Son of Bharat Prasad Jaiswal R/o - Shashtri Nagar,
P.S.- Sadar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30582 of 2025

Arising Out of PS. Case No.-766 Year-2024 Thana- PURNEA SADAR District- Purnia

1. Puja Devi Wife of Chotu Ram R/o - Katthalpatti, P.S.- Sadar, District - Purnea
2. Chotu Ram Son of Late Shankar Ram R/o - Katthalpatti, P.S.- Sadar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30397 of 2025)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr.Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 30582 of 2025)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr.Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Since both the cases mentioned above arise out of the

same police station case, they are taken up together for

consideration.

2. Heard learned Senior Counsel for the petitioners



and learned APP for the State in both the cases.

3. The petitioners in the aforementioned cases are apprehending arrest in connection with Sadar P.S. Case No. 766 of 2024, registered on 21.12.2024, for the offences punishable under Sections 8(c), 21(c), 25, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. As per the prosecution, a total recovery of 356 grams of brown sugar is the subject matter of the present case.

5. Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is contended that no recovery has been made from the possession of any of the petitioners, and their names have been inserted in the F.I.R. solely on the basis of the confessional statement of a co-accused. It is further submitted that such confessional statements made before the police have no evidentiary value in the eyes of law. Although the recovered quantity is commercial in nature, since it was not recovered from the petitioners, the essential ingredients constituting the offences under the NDPS Act are not attracted in the present case. Learned Senior Counsel further submits that the antecedents of the petitioner in Criminal Miscellaneous No. 30397 of 2025 are not clean, as he is accused in one other



criminal case. However, petitioner no. 1 in Criminal Miscellaneous No. 30582 of 2025 has clean antecedents, while petitioner no. 2 in the same case is accused in three more cases, in all of which he has already been granted bail.

6. Learned APP for the State vehemently opposes the prayer for anticipatory bail and submits that the names of the petitioners have emerged from the confessional statement of a co-accused. It is further contended that, except petitioner no. 1 in Criminal Miscellaneous No. 30582 of 2025, the antecedents of the other petitioner are not clean as petitioner no. 2 in the said case is an accused in three other criminal cases, out of which two are under the NDPS Act.

7. In this background, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners (in both the cases aforementioned) in connection with Sadar P.S. Case No. 766 of 2024, pending before the learned Sessions Judge, Purnea is hereby rejected.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

