

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33665 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- Mufassil District- Purnia

Diwakar Kumar S/o Brahamamnand Singh @ Brahamanand Singh @
Barmanand Singh Resident of Rajbaili, PS- Bounsi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 28-05-2025 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Special Case No. 108 of 2025 arising out of Mufassil P.S. Case No. 28 of 2025 registered for the offence under Sections 8(c), 20(b)(ii)(B), 25 and 29 of the N.D.P.S. Act, 1985.

3. As per the prosecution case, the informant during patrolling received a secret information that some people were carrying *ganja* in a CNG auto. The auto was subsequently intercepted and two persons were apprehended who disclosed their names as Raman Kumar and Diwakar Kumar (petitioner). It is further alleged that



from the possession of the co-accused Raman Kumar 11kg of *ganja* was recovered from a bag while from Diwakar Kumar (petitioner) a mobile phone is said to have been seized.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is stated that the petitioner was the driver of the CNG auto and he has no concern whatsoever with the person, who was sitting as the passenger in his auto and was apprehended with 11kg *ganja*. He further submits that no incriminating article has admittedly been seized from the conscious possession of the petitioner and the petitioner happens to be the owner of the CNG auto and the mobile phone, which is said to have been recovered, also belongs to the petitioner. It has also been submitted that the provisions of Section 50 of the N.D.P.S. Act was not complied with. Lastly, it has been stated that the petitioner though is named in another case, which the learned counsel states was registered on the same day as that of the present case and the petitioner is in custody since 05.02.2025 in the present case.

5. Learned APP for the State has opposed the



prayer for bail of the petitioner and has stated that 11kg of *ganja* was recovered from the CNG auto of the petitioner.

6. Considering the aforesaid submissions made by the learned counsel for the parties and taking into account that the petitioner happens to be the owner of the CNG auto and the *ganja* has been seized from the possession of the co-accused, namely, Raman Kumar, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (N.D.P.S. Act), Purnea in connection Special Case No. 108 of 2025 arising out of Mufassil P.S. Case No. 28 of 2025, subject to the conditions that:-

a. One of the bailors of the petitioner shall be his/her close relative.

b. The petitioner shall remain physically present in Court on each date of trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be cancelled by the Court



concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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