

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34586 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- Shivnarayanpur District- Bhagalpur

Md Afridi @ Lakho Md Tayab @ Taiyab @ Mir Taiyab R/o Village-
Karikado, Thana- Shivnarayanpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Shivnarayanpur P.S. Case No. 125 of 2024 lodged on
30.10.2024 under Sections 20(b) (ii) c, 21, 22, 29 of the NDPS
Act.

3. As per the prosecution case, a total recovery of 500
grams of brown sugar has been made, which forms the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence. It is
contended that the alleged recovery has not been made from the
conscious possession of the petitioner but rather from the



possession of a co-accused. The petitioner's name has surfaced solely on the basis of the confessional statement of the co-accused, and except for this statement, there exists no other material against the petitioner. Learned counsel has placed reliance on the judgment of the Hon'ble Supreme Court in ***Toofan Singh vs. State of Tamil Nadu***, reported in (2021) 4 SCC 1, wherein it has been held that a confessional statement alone cannot form the basis for conviction under the NDPS Act. It is further submitted that although one other criminal case under the NDPS Act is pending against the petitioner, his name therein has also appeared merely by way of a confessional statement. The petitioner is in custody since 27.02.2025.

5. Learned counsel for the State opposes the prayer for bail and submits that the case pertains to an offence under the NDPS Act involving commercial quantity of contraband. Although the recovery has not been effected from the conscious possession of the petitioner, it has been made from the co-accused, who disclosed the name of the petitioner in his confessional statement.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.30,000/-



(Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of learned District and Sessions Judge, Bhagalpur,. in connection with Shivnarayanpur P.S. Case No. 125 of 2024, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in the case as mentioned in paragraph no.3 of the petition as under :-

- Ishipur (Barahat) P.S. Case No. 52 of 2023.

(Dr. Anshuman, J)

Ashwini/-

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