

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38853 of 2025

Arising Out of PS. Case No.-106 Year-2023 Thana- SARAI District- Vaishali

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Dharmendra Kumar @ Kallu Kumar, S/O Sikildev Ray @ Sakaldev Ray, R/O
Village- Kutubpur, P.S- Bidupur, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Om, Advocate.

For the State : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Sarai P.S. Case No. 106 of 2023 dated 15.04.2023 registered for the offences punishable under Sections 20, 22 and 24 of the N.D.P.S. Act.

3. As per allegation, 7 Kg. *Ganja* has been recovered from co-accused Radha Kumari and Sourav Kumar and as per their confessional statement the alleged *Ganja* was supplied by the petitioner herein.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the whole case against the



petitioner is based on inadmissible evidence. After **Toofan Singh case** (supra) reported in **(2021) 4 SCC 1**, confessional statement of accused or co-accused before the Police are not inadmissible and hence, except this inadmissible material in form of confessional statement of the co-accused, there is no material against the petitioner and as such, no case is made out against the petitioner and the petitioner is entitled to get anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in two other cases in which he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of concerned court below, in connection with Sarai P.S. Case No. 106 of 2023, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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