

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43102 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- NAKARDEI District- East Champaran

Santosh Baitha, S/o Jagnath Baitha, R/o Village- Sirisiya Mal, P.S.- Nakardai,
Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 31-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Nakardei P.S. Case No.24 of 2025 registered under Sections 111 of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 8(c), 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act').

3. As per FIR, on secret information, the police apprehended two persons travelling on motorcycle and upon search, 156 gms. of brown sugar was recovered from the possession of one of the co-accused namely, Bablu Kumar, who disclosed the name of this petitioner Jakir Hussain to



work as a liner, who upon arrest, named this petitioner.

4. It is submitted by learned counsel appearing for petitioner that nothing has been recovered from the physical possession of this petitioner and his name transpired on the basis of confessional statement of co-accused. It is submitted that nothing appeared from record, which may suggest that seized material was brown sugar, as no FSL report was available on record. It is submitted that co-accused Bablu Kumar from whom, recovery was made was granted bail by this Court. In this context, it is submitted that co-accused Chhathu Sah has already granted bail by this Court through Cr. Misc. No.33971 of 2025 dated 22.05.2025.

5. Arguing further, it is submitted that investigation of this has already concluded on all material aspects and, therefore, sending this petitioner behind the bar in view of aforesaid factual submissions would not serve any further purpose of justice.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions as the alleged contraband not appears to be recovered from the



physical possession of this petitioner, whose name transpired during the course of investigation, coupled with the fact that on all material aspects, the investigation of this case has already concluded, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Court No. II, NDPS, East Champaran, Motihari in connection with Nakardei P.S. Case No.24 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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