

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49825 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- KALER District- Jehanabad

Awadhesh Tiwary S/o Kauri Tiwary Resident of Village- Lane Tuniaava, PS-
Dhanha, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sn Singh

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri Rabindra Kumar.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8, 20(B),
II-B and 29 of the NDPS Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that 8.566 kg of *ganja* was recovered from two bags
being carried by Kishan and Raju separately.

4. It is next submitted that petitioner was not arrested
from the spot, as such nothing was recovered from his conscious
possession, but then he came to be implicated based on the
confessional statement of the apprehended accused in police
custody, which does not have any evidentiary value. It is also



submitted that the alleged recovery of *ganja* is less than commercial quantity, as such the rigours of Section 37 of the NDPS Act will not apply.

5. The learned APP opposes the anticipatory bail application and submits that it is a case under the NDPS Act and the name of the petitioner transpired based on the confessional statement of apprehended accused and investigation is in its nascent stages, as such if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kaler P.S. Case No. 27 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.



7. One of the bailors of the petitioner shall be his father, Kauri Tiwary.

8. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, apart from confession, in that event the present anticipatory bail order shall lose its effect.

10. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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