

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52521 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- KOTWA District- East Champaran

Shambhu Gupta son of Chandra Deo Sah R/o village Jitora Ward No. 15 P.S.
Madhuban Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kotwa P.S. Case No. 181 of 2025, dated 19.05.2025, registered for offences punishable under Sections 8, 17(C), and 18(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per allegation in the FIR, Sompal Kumar @ Sonu Kumar was apprehended with 4.074 kg of opium which is alleged to have been seized from him. He disclosed that the seized opium was obtained from co-accused Naresh Sah and Roja Mian. It is further alleged that co-accused Naresh Sah disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. It is further submitted that the petitioner has been made an accused only on the basis of the confessional statement of co-accused Naresh Sah. Further submission is that although the police raided the petitioner's house, no incriminating articles were recovered from his house or possession, and he was not arrested at the spot. The petitioner has been in judicial custody since 20-05-2025 and has two other criminal cases are pending against him.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, East Champaran, Motihari, in connection with Kotwa P.S. Case No. 181 of 2025 N.D.P.S. G.R. Case No. 76 of 2025 subject to the following conditions:- (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors



will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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