

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52993 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- BANMANKHI District- Purnia

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Kishan Kumar @ Lalu @ Krishn Kumar Yadav @ Krishna Kumar @ Lalu
Kumar Yadav S/o- Asrafi Yadav Village- Maveshi Hat W.No-12, Ps-
Banmankhi Dist- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Binay Kant Mani Tripathi, Advocate Mr. Ajay Kumar Mishra, Advocate Ms. Ajita, Advocate
For the State	:	Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
(N.D.P.S., Act) Case No-102 of 2025 arising out of Banmankhi
P.S. Case No. 33 of 2025, dated-27.01.2025, registered for the
offences punishable under Sections 8(c) and 21(b) of the
N.D.P.S., Act.

3. As per allegation, 4.2 gram of smack was recovered
from the co-accused, Md. Aslam and 4.06 gram smack was
recovered from the co-accused, Sujeet Ray and as per their
statements, they were going to supply it to the Petitioner,
Kishan Kumar and the co-accused, Nirmal Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. There is no cogent material against the Petitioner and the



whole case is based only on the confessional statement of the co-accused which has no evidentiary value in the light of Section 67 of the N.D.P.S., Act and in the light of **Tofan Singh Vs. State of T.N., (2021) 4 SCC 1.**

5. He further submits that the petitioner has been languishing in jail since 25.03.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

7. 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.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail 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 learned concerned Court below in connection with Special (N.D.P.S., Act) Case No-102 of 2025 arising out of Banmankhi P.S. Case No. 33 of 2025 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) 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.

(v) 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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