

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51665 of 2025

Arising Out of PS. Case No.-170 Year-2024 Thana- NARPATGANJ District- Araria

Binod Chaupal @ Binod Kumar Chaupal S/o Late Hardev Chaupal R/o
Village- Bela, Ward No. 08, P.S.- Basmatiya, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Narpatganj(Basmatiya) P.S. Case No. 170 of 2024, registered for the offences under Sections 8(c)/21(b) of the NDPS Act.

3. As per the prosecution case, the informant, a SSB official received information about smuggling of brown sugar by a person. A boy was seen going towards Nepal border who was signalled to stop but he started running away on seeing the informant and his team and was apprehended after chase. From his possession, recovery of 20 gram brown sugar was made. The minor disclosed the name of the petitioner who had given him the brown sugar for smuggling it to Nepal.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that the name of the petitioner transpired in this case on the basis of confessional statement of co-accused and the recovery of brown sugar has been made from the said co-accused. Nothing incriminating has been recovered from person or possession of the petitioner and confessional statement of co-accused has got no legal sanctity. There is complete violation of Section 42 and 50 of the NDPS Act. The petitioner is in custody since 01.05.2025 and he has no criminal antecedent. Charge sheet has been submitted in this case.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the remoteness of allegation against the petitioner, submission of charge sheet against the petitioner, his clean antecedent and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-



Special Judge, NDPS Act, Araria/concerned court, in connection with Narpatganj(Basmatiya) P.S. Case No. 170 of 2024, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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