

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53987 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- Basmatia District- Araria

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Pintu Kumar Paswan @ Pintu Paswan, aged about 35 years, Male, S/O
Hiralal Paswan @ Horalal Paswan, Resident of Village- Jimrahi, Ward No. 2
(Sonapur), P.S- Narpatganj, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Advocate and Mr.
Arvind Kumar, Advocate

For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 14-08-2025 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Basmatiya P.S. Case No. 02 of 2025 dated 04.01.2025 registered
for the offences punishable under Sections 8, 20(b)(ii)(c) of the
N.D.P.S. Act.

3. As per the prosecution case, a secret information
was received that few persons were coming to India from Nepal
carrying narcotic drug (Ganja). When the police team reached,
they saw that 8-10 people were carrying sacks on their heads
and on seeing the police, they tried to flee and on chase, two
persons were apprehended who disclosed their names as Jay



Krishna Paswan and Bholanand Paswan. On search, 225 kgs., of Ganja kept in eight (08) bags were recovered.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. and he was not arrested on the spot. The name of the petitioner has surfaced in the present case on the basis of the confessional statement of the apprehended co-accused persons Jai Krishna Paswan and Bholanand Paswan during the course of investigation which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged offence. There is no statutory compliance under the provisions of N.D.P.S. Rules, 2022, especially with respect to proper search, seizure and sampling procedure, which goes to the root of the prosecution case. It is further submitted that the other co-accused persons, namely, Dipen Paswan @ Dipen Kumar Paswan @ Dipesh Kumar Paswan and Bholanand Paswan @ Bholan Paswan @ Bholan Kumar Paswan have already been granted bail by another Co-ordinate Bench of this Court in Cr. Misc. No. 32846 of 2025 with Cr. Misc. No. 34046 of 2025 vide order dated 27.05.2025,



annexed as Annexure-2 to the present bail application. The petitioner has been remanded in the present case from Fulkaha P.S. Case No. 09 of 2025 on 08.07.2025. The petitioner has seven criminal antecedents and out of which, two cases are of similar nature and in six cases the petitioner is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 08.07.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria in connection with Basmatiya P.S. Case No. 02 of 2025 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

II. If the petitioner is found involved in similar nature of offence in future, his bail bond is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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