

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58391 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- Sri Nagar District- Purnia

Gavaskar Rai S/O Shyam Sunder Ray R/O Vill.- Srinagar, P.S.- Srinagar,
Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. Anand Prakash, Advocate
	Mr. Kumar Rajdeep, Advocate
	Ms. Diksha Kumari, Advocate
For the Opposite Party/s :	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and Mr. Ajay
Kumar No. 02, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 8, 20(b)(ii), 25 and 29 of the NDPS Act and under Section 111 of the BNS.

3. The case of the prosecution in short is that the police intercepted a tempo and on that tempo a driver and one more person was sitting. They were apprehended and were identified as Md. Abbas (driver of the tempo) and the other person on the tempo disclosed his name as Jeevach Sharma. Both the apprehended persons disclosed that they were going to Kajha together to sell narcotics substance. It is further alleged that from that tempo altogether 5.704 kg of *ganja* was



recovered. It is further alleged that both the apprehended persons disclosed that the said *ganja* and tempo was given by this petitioner which was to be delivered to Kajha where a man will come and receive.

4. Learned counsel for the petitioner has submitted that from perusal of the FIR itself it is clear that nothing has been recovered from the possession of this petitioner, rather his name has been disclosed by co-accused persons. Learned counsel has also relied on the judgment of the Hon'ble Apex Court in the case of **Tofan Singh vs. State of Tamil Nadu** reported in **(2021) 4 SCC 1** wherein it has been held by the Hon'ble Apex Court that the confessional statement given before police is not admissible. The petitioner is in judicial custody since 03.06.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail to the petitioner. The petitioner is having criminal antecedent of one case.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Special Case No. 187 of 2025 (C.I.S. No. 187 of 2025) arising



out of Sri Nagar P.S. (District-Purnia) Case No. 48 of 2025 on
furnishing bail bond of Rs.10,000/- (Ten Thousand) with two
sureties of the like amount each to the satisfaction of learned
Special Judge (NDPS Act), Purnia.

(Ashok Kumar Pandey, J)

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