

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61871 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- BIRPUR District- Supaul

Md Imam @ Imam Nutt @ Imam Nut @ Md Imam Nut S/O Noor
Mohammad R/O Vill.- Basmatiya, Ward no. 2, P.S.- Basmatiya, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Arvind Kumar, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
(Spl) Case No. 79 of 2024 arising out of Birpur P.S. Case No.
205 of 2024 instituted for the offences under Sections 8, 20(b)
(ii)(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that, police, on the
basis of secret information conducted a raid at village
Permanandpur where co-accused Sumit Kumar was
apprehended while attempting to escape, and in his presence, 47
Kg of ganja was recovered from the house of the co-accused
Rajesh Paswan. It is further alleged that Sumit Kumar admitted



that the contraband was concealed in the house by him and disclosed that he had come to purchase ganja from Rajesh Paswan who is involved in its smuggling.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case during investigation on the basis of confessional statement of the co-accused namely Sumit Kumar, which has no evidentiary value in the eye of law. Petitioner has not been shown to be present at the place of occurrence nor he was apprehended on the spot. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that except the confessional statement of the co-accused, there is no material against the petitioner to prove his involvement in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 08.05.2025 and has two criminal antecedent. Learned counsel further submitted that charge-sheet has been submitted and charge has also been framed. There is no allegation of tampering of witnesses alleged against the petitioner. Petitioner has no concern with the alleged recovery. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.



5. Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submitted that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act

6. Considering the aforesaid facts and circumstances of the case, there being no direct evidence against the petitioner to show his involvement in the alleged offences, except confessional statement given by co-accused as also the period of custody undergone by the petitioner as also since charge-sheet has been submitted and charge has also been framed against the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS (Spl) Case No. 79 of 2024 arising out of Birpur P.S. Case No. 205 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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