

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63589 of 2025**

Arising Out of PS. Case No.-7 Year-2019 Thana- N.C.B (GOVERNMENT OFFICIAL)  
District- Patna

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Rahul Kumar S/O Dinanath Ray R/o vill - Mohaddipur, P.S.- Gaurichak,  
Distt.- Patna

... .. Petitioner/s

Versus

The Union of India, through Narcotics Contral Bureau (N.C.B.) Patna Zonal  
Unit C.G.O. Complex, D and E Block, Karpuri Sadan, Rajiv Nagar, Patna,  
Bihar

... .. Opposite Party/s

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**Appearance :**

|                        |   |                                                                      |
|------------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s   | : | Mr. Rajesh Kumar Singh, Sr. Advocate<br>Mr. Ram Naresh Ray, Advocate |
| For the State          | : | Mr. Shyam Kumar Singh, APP                                           |
| For the Union of India | : | Ms. Shail Kumari, Advocate                                           |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      17-09-2025                      Heard learned Senior Counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in connection with Special  
N.D.P.S. Case No. 31 of 2019 arising out of F. No.  
NCB/PZU/V/07/2019 registered for the offence punishable  
under Sections 8, 20 and 29 of the N.D.P.S. Act.

3. The name of the petitioner has come in the  
confessional statement of co-accused Baijnath Ray @ Baidya  
Nath Rai, who is the owner of the contraband-ganja. He has  
given a confessional statement that the petitioner had taken the  
truck on lease from one Ajay Kumar, who was the owner of the  
truck and was paying Rs. 75,000/- to the owner.



4. The petitioner is in custody since 01.07.2025.

5. Learned Senior Counsel for the petitioner has submitted that the petitioner cannot be made an accused only on the basis of the confessional statement of the co-accused as the statement before the officers of NCB under Section 66 of the Evidence Act is inadmissible in light of the judgment of the Hon'ble Supreme Court in the case of **Tofan Singh vs. State of Tamil Nadu** reported as **(2013) 16 SCC 31**. Three co-accused have been granted bail by this Court. The case of the petitioner is quite distinguishable from that of the other co-accused who have remained in custody for long.

6. Learned counsel for the Union of India has filed the counter affidavit and has vehemently opposed the prayer for bail on the ground that the petitioner's involvement has come in the self inculpatory statement of the co-accused.

7. The petitioner is not named in the FIR nor has he been apprehended on the spot. The petitioner is neither the owner nor the driver of the aforesaid truck on which the contraband-ganja was recovered. The name of the present petitioner has surfessed in the confessional statement of the co-accused Ajay Kumar, who is the owner of the aforesaid truck.

8. Considering the aforesaid facts, this application is



allowed.

9. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 1,00,000/- (One Lakh) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court (N.D.P.S.) No. 11, Patna, District-Patna/ concerned Court in connection with F.No. NCB/PZU/V/07/2019, subject to the condition that both the bailors should be the close relative of the petitioner.

10. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on each and every date fixed in the trial. Noncompliance of the condition will result in cancellation of the bail bonds of the petitioner.

11. The petitioner will also mark attendance in Gourichak Police Station, District-Patna on every Sunday of the month. Any default in appearance at the Police Station would result in cancellation of bail bonds of the petitioner.

**(Sandeep Kumar, J)**

P. Kumar

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