

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77589 of 2025

Arising Out of PS. Case No.-295 Year-2025 Thana- Marnga District- Purnia

Nikhil Kumar S/o Malanand Mehta Res of - Jaymangla, P.S- Champanagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Bidhu Ranjan, Advocate
For the State	:	Mrs. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Maranga P.S. Case No. 295 of 2025, dated 28.08.2025, registered for the offences punishable under Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. As per allegation, 205.55 gm of smack was recovered from the person of co-accused, Johnson Kumar, who was getting down from the bus. As per confessional statement of co-accused, Johnson Kumar, he has got this contraband from co-accused, Sonu Kumar on the direction of Shivam Singh to be delivered to the petitioner and co-accused, Amit Kumar.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no legally admissible material against the petitioner. The whole case against the petitioner is based on confessional statement of co-accused before the police which is not admissible. It is not admissible even under Section 30 of the Indian Evidence Act/Section 24 of B.S.A., 2023, because that statement cannot be proved during trial.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the fact that there is no legally admissible material against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds



in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Maranga P.S. Case No. 295 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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