

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84375 of 2025

Arising Out of PS. Case No.-815 Year-2025 Thana- BIHTA District- Patna

Santosh Kumar, aged about 52 years (Male), Son of Late Vishwanath Prasad,
R/o Karwan (Korawan), P.S.- Naubatpur, District- Patna at present R/o
Allanpura, P.S.- Bihta, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

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

ORAL ORDER

2 05-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihta
P.S. Case No. 815 of 2025 dated 22.10.2025 registered for the
offences punishable under Sections 8, 20(B)IIB of the N.D.P.S.
Act.

3. As per the prosecution case, total 4.860 kgms., of
Ganja was recovered from the co-accused Sindhu Kumar. It is
further alleged that the co-accused persons, namely, Arvind
Kumar and Sindhu Kumar disclosed that they used to buy Ganja
from the petitioner and was taking Ganja on the petitioner's
motorcycle.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the name of the petitioner has come in the present case on the basis of the confessional statement of the apprehended co-accused persons, namely, Arvind Kumar and Sindhu Kumar which has got no evidentiary value in the eyes of law. It is submitted that no incriminating article or Ganja was recovered from the possession of the petitioner rather the contraband has been recovered from the possession of the co-accused Sindhu Kumar. There is no statutory compliance of Sections 42 and 50 of the N.D.P.S. Act., in the present case. There is no independent witness in the present case. It is further submitted that police took signature of the petitioner on several plain and printed papers. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 23.10.2025.

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 District and Sessions Judge (Spl. Judge (N.D.P.S.)), Patna, in connection with Bihta P.S. Case No. 815 of 2025 with further condition:-

(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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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