

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84204 of 2025

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

Amit Kumar Son of Naresh Mehta, Resident of Village- Jai Mangala, P.S.-
Champa Nagar, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-12-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends 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 NDPS Act.

3. The prosecution case, in brief, is that 205.55 grams of smack was recovered from the co-accused Johnson Kumar, who was getting down from the bus. As per confessional statement of the co-accused Johnson Kumar, he got the alleged contraband from co-accused Sonu Kumar on the direction of one Shivam Singh to be delivered to the petitioner and co-accused Nikhil Kumar.

4. Learned senior counsel Mr. N.K. Agrawal



appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. Learned senior counsel further submits that the alleged recovery has been made from the possession of co-accused Johnson Kumar from whose bag the smack is said to have been recovered and on his confessional statement, the names of other co-accused persons namely, Sonu Kumar, Shivam Singh and Nikhil Kumar along with the name of this petitioner transpired. Learned senior counsel fairly submits that recovery has not been made either from the conscious possession of the petitioner or from the conscious possessions of other co-accused persons and even their houses were put of search on their absence. Learned senior counsel next submits that petitioner has not committed any such offence as alleged in the FIR and is in no way connected with the recovery of smack, which is said to have been recovered from the possession of co-accused Johnson Kumar. Learned senior counsel lastly submits that a similarly situated co-accused person namely, Nikhil Kumar has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 03.12.2025 passed in Cr. Misc. No. 77589 of 2025.

5. Learned Additional Public Prosecutor for the



State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the facts that name of the petitioner transpired on the basis of confessional statement of the apprehended co-accused person and nothing incriminating has been recovered from the conscious possession of the petitioner, petitioner's clean antecedent and further considering the grant of privilege of anticipatory bail to a similarly situated co-accused person, let the petitioner, above-named, be released on anticipatory bail, in the event of his arrest or surrender before the learned trial Court within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS Act, Purnea, in connection with **Maranga P.S. Case No. 295 of 2025**, subject to the conditions laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the B.N.S.S., as well as on the following conditions:

(i) one of the bailors should be the family member / relative of the petitioner(s), who shall provide official document to show his / her bona fide;

(ii) the petitioner(s) shall appear on each and



every date before the learned trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his / her / their bail bond by the learned trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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