

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12526 of 2026

Arising Out of PS. Case No.-323 Year-2021 Thana- SABAUR District- Bhagalpur

Md. Numan Khan @ Tipu Son of Md. Usman Khan R/o Mohalla -
Habibpur(Dakhin Tola), P.S. - Habibpur, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.M. Ashraf, Sr. Advocate

Mr. Rana Hason, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 04-05-2026 1. Heard learned Senior counsel for the petitioner Mr. S.M. Ashraf and learned APP for the State Mr. Chandra Bhushan Prasad.
2. The petitioner seeks bail in anticipation of his arrest in Sabour P. S. Case No. 323 of 2021 registered for the offences punishable under Sections 414 and 34 of the Indian Penal Code and Sections 20(b)(ii)B/ 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The Senior Superintendent of Police, Bhagalpur was connected through virtual mode.
4. The learned Senior counsel appearing on behalf of the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that several accused were



apprehended with Brown Sugar from the place of occurrence, namely, Gautam Mandal, Pankaj Sah, Md. Gulab Alam, Md. Athar and Md. Tanweer with 98 pouches and they were found carrying 230 grams, 422 grams, 45 grams and 45 grams of Brown Sugar respectively. It is submitted that petitioner was not present at the place of occurrence and his name transpired in the confessional statement of Pankaj. It is further submitted that confessional statement of an accused in police custody does not have any evidentiary value.

4. The State was directed to file a counter affidavit.

5. A counter affidavit has been filed on behalf of the State and from perusal of the same, it manifests that name of the petitioner transpired based on confessional statement of apprehended accused and thereafter no material was collected during the course of investigation connecting the petitioner with the offence, as such, the Senior Superintendent of Police, Bhagalpur was directed to remain present through virtual mode.

6. The Senior Superintendent of Police, Bhagalpur submits that upto now apart from confession, no material has transpired connecting the petitioner with the offence, but then investigation in the case is continuing. It is also submitted that if privilege of anticipatory bail is granted, the petitioner may



abscond, on which the learned Senior counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

7. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioner.

8. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sabour P.S. Case No. 323 of 2021 subject to the conditions as laid down under Section 482 (2) of BNSS.

9. One of the bailors of the petitioner shall be his father namely Md. Usman Khan.

10. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.



11. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, apart from confession, in that event the present anticipatory bail order shall lose its effect.

12. It is clarified that if charge sheet is submitted against the petitioner connecting him with the offence only based on confession, in that event, the present anticipatory bail order shall continue.

13. Accordingly, the instant anticipatory bail application stands allowed.

14. The virtual appearance of the Senior Superintendent of Police, Bhagalpur is dispensed with.

(Satyavrat Verma, J)

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