

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18015 of 2026

Arising Out of PS. Case No.-27 Year-2025 Thana- D.R.I District- Patna

=====

Lal Babu Yadav @ Babu Lal Yadav @ Lal Yadav S/O Shankar yadav
Resident of Village- Ward No.- 11, Chhavani Mor, Behind Baba Petrol Pump,
P.S- Kochas, Distt.- Rohtas, Bihar.

... .. Petitioner/s

Versus

The Union of India through D.R.I Delhi

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
For the Opposite Party/s : Mr. Dr. Krishna Nandan Singh (A.S.G.)
Mr. Ankit Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

4 27-05-2026 Heard learned counsel for the petitioner and learned
Additional Solicitor General for the Union of India.

2. The petitioner seeks bail in DRI Patna Unit Case
No. 27 of 2024-25 (Spl. NDPS Case No. 147 of 2025) registered
under Sections 8(c), 20(b)(ii)(b)(c), 25 and 29 of the NDPS Act.

3. 119.560 kgs of Ganja were seized from the vehicle.
The driver of the vehicle disclosed the name of the petitioner as
the consignor and owner of the said contraband. The vehicle
was registered in the name of the petitioner.

4. Learned counsel for the petitioner submits that the
name of the petitioner has transpired in the course of a
confessional statement of the driver of the vehicle, recorded
under Section 67 of the NDPS Act, and the petitioner is in



custody since 21.06.2025. He further submits that out of six witnesses, only one has been examined. The record would show that no recovery has been effected from the petitioner, and his name has transpired only on the basis of a confessional statement.

5. Learned Additional Solicitor General for the Union of India has vehemently opposed the prayer for bail.

6. No independent recovery has been effected from the petitioner, and his implication rests solely upon a statement of the driver recorded under Section 67 of the NDPS Act. The petitioner has been in custody since 21.06.2025, a period of approximately eleven months. In view of the law authoritatively laid down by the Hon'ble Supreme Court in *Tofan Singh v. State of Tamil Nadu* reported in (2021) 4 SCC 1, wherein it has been held that a statement recorded under Section 67 of the NDPS Act is not admissible as a confessional statement and cannot form the basis of conviction, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, to the satisfaction of learned



Exclusive Special NDPS Court No. 1 in connection with DRI Patna Unit Case No. 27 of 2024-25 (Spl. NDPS Case No. 147 of 2025).

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

Vikash/-

U		T	
---	--	---	--

