

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18614 of 2026

Arising Out of PS. Case No.-104 Year-2025 Thana- Ratanpur District- Begusarai

Shivam Kumar @ Shivam Singh S/O Kanhaiya Kumar Resident of Village
Pramila Chowk Ward No 20 Near Roopdeo Clinic, P.S.- Ratanpur, Dist.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri Amit Shrivastava, Sr. Advocate Shri Amit Kumar, Advocate Shri Rakesh Kumar Sharma, Advocate Shri Girish Pandey, Advocate
For the Opposite Party/s	:	Shri Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 24-06-2026 1. Heard Shri Amit Shrivastava, learned Senior
Counsel for the petitioner assisted by Shri Amit Kumar, learned
Advocate and Shri Chandra Bhushan Prasad, learned APP for
the State.

2. The petitioner seeks bail in Ratanpur P.S. Case
No.104 of 2025, NDPS Case No.100 of 2025 registered for the
offences punishable under Sections 8(c), 21(c) and 29 of the
N.D.P.S. Act.

3. Learned Senior Counsel for the petitioner submits
that petitioner has antecedent of one case and is in custody since
18.12.2025 and the informant alleges that while patrolling on
17.12.2025 at 12:30 p.m., he got an information that smack is
kept at the rented house of Rambriksh and landlady is Sudha



Devi. Accordingly, the rented premises of Rambriksh was raided and 3.340 Kg. of smack along with other articles were recovered from the rented room of Rambriksh and thereafter the informant again received an information that Rambriksh along with petitioner and Kumar Aryan @ Kartik were present near B.P. High School for dealing to supply the smack. Accordingly, the police force reached the place of occurrence, when three accused persons seeing the police force started fleeing but petitioner and Kumar Aryan @ Kartik were arrested, who disclosed that Rambriksh fled and from their possession various articles as detailed in the FIR were recovered, except narcotics and they disclosed the name of their associates as Sonu, Mahakal, Sachin, Raja, Nilesh and Abhash, who indulged in selling smack and also disclosed that an amount of Rs.20 lakhs was kept at the house of Aryan @ Kartik after selling smack, accordingly, the house of Aryan was raided and Rs.20,47,000/- was seized.

4. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the FIR, it would manifest that admittedly no narcotic was seized from him and it is alleged that based on disclosure of the



petitioner, the house of Aryan @ Kartik was raided from where Rs.20,47,000/- was recovered which the informant alleges was the money kept after selling smack as disclosed by the petitioner. It is next submitted that the case was taken-up on 07.05.2026 when a submission was made on behalf of the petitioner that though the petitioner was arrested but even after his arrest, the grounds of arrest were not disclosed to him which vitiated the arrest and for the said proposition reliance was placed on the orders of the Hon'ble Supreme Court in **SLP (Crl.) No(s). 3326 of 2026 Dr. Rajinder Rajan Versus Union of India & Anr.**, as such, the State was directed to file a counter affidavit duly sworn by the Superintendent of Police, Begusarai. It is also submitted that a counter affidavit has been filed and from perusal of the averments made in the counter affidavit, it would manifest that the same does not even remotely suggest that the grounds of arrest were supplied to the petitioner after arresting him. It is further submitted that in the case of **Dr. Rajinder Rajan** (supra) a plea was taken based on the judgment of the Hon'ble Supreme Court in **Mihir Rajesh Shah vs. State of Maharashtra & Another** reported in **2026(1) SCC 500** that failure to furnish the grounds of arrest to an accused in writing amounts to violation of the fundamental rights guaranteed under



Articles 21 and 22 of the Constitution of India and if the arrested person has not been informed of the grounds of arrest, the inevitable consequence would be that the arrest is being illegal and such person is entitled to be released from custody. It is next submitted that the allegation in the aforesaid case of **Dr. Rajinder Rajan** (supra) was that 2000 Tramadol tablets were recovered from the Corporate Hospital, Amritsar of Dr. Rajinder Rajan and based on the said allegation he was arrested but then grounds of arrest were not furnished to him, hence, the said plea was raised on his behalf. It is also submitted that the Hon'ble Supreme Court after considering the case in detail and on merits at para 20 held that "It is no longer res integra that supplying the grounds of arrest to the accused in writing before the arrest or, in a given case, under exceptional circumstances, immediately thereafter, is the mandate of the constitutional guarantees provided under Article 22(1) read with Article 21 of the Constitution of India. The ratio of the judgment in *Mihir Rajesh Shah* (supra) conclusively holds that any deviation from the above principle would lead to the arrest of the accused being declared illegal entitling such accused to be released forthwith". Further, based on the material which was furnished before the Hon'ble Supreme Court, the Hon'ble Supreme Court released



the appellants from the custody on the said ground.

5. Learned Senior Counsel for the petitioner, thus, submits that in the instant case also though informant alleges that petitioner was arrested from the place of occurrence after a chase but then after his arrest the petitioner ought to have been provided with the grounds of arrest in writing but then the same was not provided and the said fact is not disputed in the counter affidavit, hence, the petitioner is also entitled to be released on bail.

6. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but then fairly submits after perusing the averments made in the counter affidavit that grounds of arrest were not provided to the petitioner after he was arrested nor the counter affidavit discloses that petitioner was furnished with grounds of arrest subsequently even but then submits that if the privilege of regular bail is granted to the petitioner, the petitioner may abscond or try to tamper with the evidence on which learned Senior Counsel for the petitioner submits that if petitioner is released on bail, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

7. After hearing the learned counsel for the parties



and taking into consideration the submissions made by the learned Senior Counsel appearing on behalf of the petitioner as also the fact that grounds of arrest were not provided to the petitioner in writing immediately after his arrest, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Ratanpur P.S. Case No. 104 of 2025.

8. One of the bailors of the petitioner shall be his father, namely, Kanhaiya Kumar.

9. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioner, after his release on bail, is trying to delay the framing of charge or after framing of charge is trying to delay the trial of the case in any manner in both the conditions, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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