

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20249 of 2026

Arising Out of PS. Case No.-161 Year-2025 Thana- FULKAHA District- Araria

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Vivek Kumar Paswan @ Vivek Paswan S/o Fulchand Paswan R/o -
Nababganj, P.S - Phulkaha, District – Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 31-03-2026 Heard learned Senior counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for bail in connection
with Fulkaha P.S. Case No.161 of 2025 registered for the
offence punishable under Sections 8, 20(b)(ii)(c) of the NDPS
Act.

3. The case of the prosecution, in short, is that from
one Md. Sirajuddin altogether 85 kg of *ganja* like contraband
was recovered. On being further asked, Sirajuddin disclosed that
this contraband belongs to one Babul Yadav and was being
transported to Raja Paswan and Vivek Paswan (petitioner).

4. Learned Senior counsel appearing on behalf of the
petitioner has submitted that the name of this petitioner has
appeared in the confessional statement of co-accused Md.
Sirajuddin. In view of the judgment of the Hon'ble Supreme



Court in the case of *Tofan Singh vs. State of Tamil Nadu*, confessional statement before police even in NDPS case is not admissible. It has further been submitted that nothing has been recovered from the possession of the petitioner. Recovery, if any, has been made from the possession of co-accused Md. Sirajuddin. Learned Senior counsel for the petitioner has lastly submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 18.12.2025.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge/concerned court, Araria in connection with Fulkaha P.S. Case No.161 of 2025.

(Ashok Kumar Pandey, J)

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