

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33656 of 2026

Arising Out of PS. Case No.-20 Year-2026 Thana- GHOGHARDIHA District- Madhubani

Shashi Mishra S/o Sri Ashok Kumar Mishra R/o village- Mohanpur, P.S.-
Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Purushottam Kumar, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ghoghardiha P.S. Case No. 20 of 2026, instituted for offences under Sections 8 and 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation is that a raid was conducted at the house of one Ram Udgar Yadav, from where 57.19 kg of ganja was recovered from different rooms and packets. Cash, jewellery and mobile phones were also seized.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He was merely present at the house of Ram Udgar Yadav when the raid took place. Nothing whatsoever was recovered from his person. The petitioner has been in custody since 15.02.2026.



5. Learned APP for the State has opposed the prayer for bail.

6. The records would show that the entire case against the petitioner rests on two planks: his presence at the premises of Ram Udgar Yadav at the time of the raid, and his alleged confessional statement recorded before the police. On neither count does the prosecution stand on firm ground. The recovery of 57.19 kg of ganja was made from the house of Ram Udgar Yadav. The petitioner admittedly has no proprietary or possessory interest in those premises. He was a visitor found present at the time the raid was conducted. Nothing was recovered from his personal possession or from any space exclusively attributable to him. It is well settled that mere presence at a premises from which contraband is seized cannot fasten criminal liability upon a person who is not shown to have conscious possession of, or dominion over, the contraband. As regards the confessional statement, the law on this point has been settled by the Supreme Court in *Tofan Singh vs. State of Tamil Nadu*, reported in (2021) 4 SCC 1, where a three-Judge Bench held that a confessional statement recorded under Section 67 of the NDPS Act is inadmissible in evidence, being hit by Section 25 of the Evidence Act, inasmuch as the officer



recording such a statement is a police officer within the meaning of that provision. The confessional statement attributed to the petitioner, having been recorded before the police, has no evidentiary value in the eye of law. With the confessional statement thus excluded, and with no recovery from his person, this Court is not impressed by the material placed by the State against this petitioner. The case for bail is made out.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Sessions Judge, Madhubani or the concerned court, in connection with Ghoghardiha P.S. Case No. 20 of 2026.

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)

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