

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32517 of 2026

Arising Out of PS. Case No.-446 Year-2024 Thana- RAXAUL District- East Champaran

Karan Kumar @ Karan S/o Kuntlal Sah @ Untilal Sah R/o Village - Koriya
Tola, Triloki Nath Mandir, P.S - Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 18-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Raxaul P.S. Case No. 446 of 2024/ G.R. Case No. 104 of 2024 registered for the offence punishable under Sections 21(b), 22(c), 23 and 29 of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that on the confessional statement of two persons, Vicky Kumar and Aditya Kumar from a damaged bus altogether 1.342 kg of *charas* and 16 pieces of Corex Cough Syrup were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the name of the petitioner has



surfaced in the confessional statement of co-accused persons. Nothing has been recovered from the possession of the petitioner rather the recovery, if any, has been made from the damaged bus. It has further been submitted that the statement of the co-accused made before the police even in the NDPS cases is not admissible in view of the judgment of the Hon'ble Apex Court in the case of *Tofan Singh Vs. State of Tamil Nadu*. He further submits that similarly situated co-accused persons have been granted bail by the learned coordinate Benches of this Court vide Cr. Misc. No. 27360 of 2025 and 41808 of 2025. He further submits that as the recovery has not been made from the possession of the petitioner, the question of quantum of the contraband does not arise. Moreover, the petitioner is languishing in judicial custody since 16.03.2026.

5. The application for bail is opposed by learned APP for the State and submits that the petitioner has criminal antecedent of two cases.

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 learned Chief
Judicial Magistrate, East Champaran, Motihari in connection
with Raxaul P.S. Case No. 446 of 2024.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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