

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39098 of 2026

Arising Out of PS. Case No.-204 Year-2025 Thana- Kumarbagh District- West Champaran

Ritesh Kumar Son of Sri Bipin Pandey Resident of Vill- Bari Tola, Gidha Pandey Tola, P.S.-Chanpatia, Dist- West Champaran, through his father and natural Guardian, Sri Bipin Pandey, Aged about 46 years, Male, Son of Resident of village- Bari Tola Gidha, Pandey Tola, Ps- Chanpatia, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar, Adv. Mr. Sitesh Kashyap, Adv.
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kumarbagh P.S. Case No.204 of 2025 registered for the offences punishable under Sections 8/20(b)(ii)(B) of the NDPS Act.

3. During the course of patrolling, the police allegedly noticed a person carrying a plastic bag. When they attempted to apprehend him, he allegedly fled from the spot after throwing away the said bag. Upon search of the bag, a total of 2.5 kilograms of ganja was recovered. On enquiry, certain persons present nearby allegedly disclosed the name of the petitioner as



the person who had fled after throwing the bag.

4. Learned Advocate for the petitioner submitted that the entire prosecution case based upon the disclosure allegedly made by certain persons present near the place of occurrence. However, surprisingly, neither their identities nor their names have been disclosed in the FIR. It is further contended that the search and seizure smacks *mala fide* for the simple reason that the witnesses are none else but the police personnel, irrespective of the fact that the name of the petitioner was disclosed by the nearby people and, as such, there appears to be non-compliance with the mandate of Section 103 of the BNSS. It is further submitted that the requirement of Section 105 of the BNSS has also not been adhered to, as the search was not conducted under videography, as contemplated under the said provision. Learned counsel next contended that the petitioner is a student and, according to the admit card issued by the CBSE for the Matriculation Examination, his date of birth is recorded as 29.01.2010. Therefore, on the date of the alleged occurrence, the petitioner was a juvenile and falls within the category of a Child in Conflict with Law. Referring to the decision of this Court in ***Rohit Kumar Yadav v. The State of Bihar*, reported in 2025(6) BLJ 181**, learned counsel submitted that there is no legal bar to



the maintainability of an application for anticipatory bail at the instance of a Child in Conflict with Law.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the name of the petitioner has been disclosed by the persons who were present at the time of occurrence and during the course of search, 2.5 Kg. ganja was recovered from a plastic bag which was thrown by the petitioner.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that save and except the disclosure made by unknown persons regarding the involvement of the petitioner, there is no material suggesting his complicity, besides there is no compliance of Sections 103 and 105 of the BNSS and the fact the petitioner is a juvenile and falls within the category of a Child in Conflict with Law, having clean antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, NDPS, Bettiah, West Champaran/Successor Court in connection



with Kumarbagh P.S. Case No.204 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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