

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50509 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- Madhusudanpur District- Bhagalpur

Md. Minhaj Alam S/o Md. Abdus Samad R/o Village- Harna Bujurg, P.S.-
Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshul, Sr. Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 21-01-2026 Heard Mr. Anshul, learned Senior Advocate appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Madhusudanpur P.S. Case No. 63 of 2025, registered for
the offences punishable under Sections 20 and 22 of the
N.D.P.S. Act.

3. The police in course of patrolling, on an
information conducted a raid and recovered a motorcycle
parked nearby a road. The persons who were assembled there
succeeded in fleeing away. In course of search, total 166.101 kg
ganja like material was found, which was kept over the
motorcycle. The motorcycle was later on found in the name of
co-accused Md. Imran. In the aforesaid premise, Md. Imran was



caught by the police and his confessional statement was recorded, where the name of the petitioner has surfaced.

4. Learned Senior Advocate referring to the FIR contended that save and except the fact, the name of the petitioner has surfaced in the confessional statement of co-accused Md. Imran, who is said to be owner of the motorcycle and that person is none else but the brother-in-law of the petitioner, his name has been implicated in this case without there being any cogent material. The confessional statement and the disclosure even if taken to be true, is not admissible in the eyes of law. To support the aforesaid contention, reliance has been placed on a decision rendered by the Supreme Court in the case of *Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1*. The petitioner bears fair antecedent and he undertakes that he would fully cooperate in the proceeding of the Court.

5. A counter affidavit has been filed on behalf of the Senior Superintendent of Police, Bhagalpur. It is contended that besides the fact the name of the petitioner transpired in the confessional statement, the CDR report also suggest that they were in touch.

6. At this juncture, learned Senior Advocate for the petitioner submits that since both the co-accused, Md. Imran



and the petitioner are brother-in-law and, as such, the conversation between them is quite natural.

7. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application.

8. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that total 166.101 ganja was recovered from the motorcycle, which belongs to co-accused Md. Imran and who subsequently disclosed the name of the petitioner, this Court is not acceded to the prayer for anticipatory bail of the petitioner, however, if the petitioner surrenders before the Court below preferably within a period of four weeks' from today, his prayer for regular bail shall be considered without being prejudice by the order of this Court.

(Harish Kumar, J)

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