

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47870 of 2026

Arising Out of PS. Case No.-32 Year-2026 Thana- Baijnathpur District- Saharsa

Bibhishan Kumar @ Vibhishan Kumar S/O Shatrughan Mehta R/O Vill.-
Hatiyagachhi, P.S.- Sadar, Distt- Saharsa, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Prabhakar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner apprehends arrest in connection with Baijnathpur P.S. Case No. 32 of 2026 lodged on 21.02.2026, for the offence punishable under Sections 8(C) & 21(C) of the N.D.P.S. Act, pending in the court of Principal Sessions Judge, Saharsa.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioner. Total 306.23 gm of smack, cash amounting Rs.46,100/-, some mobile phones and vehicles have been recovered, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that name of the petitioner has figured in this case only by virtue of the confessional statement of the apprehended accused person namely, Mukesh Kumar from whose possession 204 gm of smack was recovered. He submits that the said apprehended accused person namely, Mukesh Kumar has disclosed that on the petitioner's instruction he used to sell the smack. Counsel submits that no material has been recovered from the conscious possession of the petitioner and the person who has made confession has disclosed that motorcycle and smack both belongs to the petitioner. He submits that he has provided detailed motorcycle number and chassis number before the police that the alleged recovered motorcycle does not belong to him, but the police has not taken care of. Counsel further submits that those apprehended accused persons have already been granted bail by the trial court itself and the petitioner is unnecessarily been made accused in this case. He further submits that the mother of the petitioner has filed a representation before the police officials about the innocence of his child, but they have not considered the same. Counsel also submits that the petitioner has clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon



him.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that in the confessional statement, it has come that it is the petitioner who used to provide the smack and vehicle both for transportation from one place to another place. He submits that it is true that nothing has been recovered from the petitioner's possession, but it is also true that smack has been recovered in this case which is commercial in nature.

6. As such, in the present facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Dr. Anshuman, J)

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