

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48080 of 2026

Arising Out of PS. Case No.-112 Year-2025 Thana- BIRPUR District- Supaul

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Santosh Kumar Singh @ Chinese S/O Ashok Singh R/O Ward No. 5, K.S.
College Road, Birpur, P.S- Birpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akanksha Verma, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 23-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail registered for the
offence punishable under Sections 8(c), 21(b)/29 of the NDPS
Act.

3. The case of the prosecution, in short, is that
altogether 204 gram of *heroin* was recovered from co-accused
Malaika Khatoon.

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 this petitioner has
surfaced in the confessional statement of co-accused Malaika
Khatoon. He further submits that nothing has been recovered



from the possession of the petitioner. The witnesses of the seizure list are police personnel and the police has not complied with Section 105 of the BNSS while making the seizure.

5. Learned counsel for the petitioner further submits that in view of the judgment of the Hon'ble Supreme Court in the case of **Toofan Singh vs. State of Tamil Nadu**, the statement of a co-accused recorded under the NDPS Act has no evidentiary value for the purpose of implicating another accused. Petitioner is languishing in judicial custody since 10.02.2026.

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

7. 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 ***with the conditions that the petitioner shall cooperate in trial, shall remain physically present on each and every date fixed by the learned court below and one of the bailors shall be his near relative.*** 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 District & Additional Sessions Judge-VIII, Supaul in
connection with Birpur P.S. Case No. 112 of 2025.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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