

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65985 of 2025

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

Ravi Kumar Gupta @ Ravi Gupta @ Ravi @ Manoj Kumar Gupta Son of
Ram Swaroop Gupta @ Ram Swarup Prasad Gupta Resident of Village -
Mauje Ward No. 20, P.S. - Raxaul, District - East Champaran.... .. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Raxaul
P.S. Case No. 446 of 2024 arising out of NDPS G.R. Case No. 104
of 2024 registered for the offence under Section 132 of BNS and
Sections 21(b), 22(c), 23 and 29 of the NDPS Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 05.05.2025.

4. The allegation against the petitioner is to have in
possession of 1.342 Kg of charas alongwith 16 pieces of 100 ml.
bottle of Corex cough syrup alongwith other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner transpired on the basis of
confessional statement of co-accused Aditya Kumar, who has
already granted bail by this Court through Cr. Misc. No. 27360 of



2025 dated 23.07.2025. It is pointed out that admittedly no recovery of contraband appears to be made from physical possession of this petitioner and nothing transpires during investigation which may suggest that petitioner was under culpable mental state having knowledge of the same as to invite further rigours in view of Section 37 of NDPS Act. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Explaining criminal antecedent, it is submitted that petitioner found involved in six more criminal cases, where he is on bail in four cases and in maximum of cases, his name transpired on the basis of confessional statement as of the present case having otherwise no evidentiary value under the law. It is further submitted that merely on the basis of criminal antecedent, prayer of bail of the petitioner should not be rejected, if otherwise merit of this case is convincing in favour of petitioner. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***.

7. Learned APP opposed the prayer of bail.



8. Considering the aforesaid factual submissions and by taking note of fact as name of petitioner transpired merely on the basis of suspicion arising out of confessional statement of co-accused, where admittedly recovery of contraband not appears to be made from physical possession of this petitioner, coupled with the fact that investigation of this case is already completed, accordingly, petitioner above named, is directed to be released on bail in connection with Raxaul P.S. Case No. 446 of 2024 arising out of NDPS G.R. Case No. 104 of 2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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