

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73651 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Santosh Kumar Gupta, aged about 29 years, Gender-Male, Son of Chatru Sah
@ Chatri Prasad Gupta @ Chaturi Saw, Resident of Village- Sobri, P.S.-
Kothi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Adarsh Prasar, Advocate
		Mr. Mayank Raj, Advocate
		Mr. Rahul Singh, Advocate
For the Opposite Party/s :		Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 103 of 2025 arising out of
Kazimohammadpur P.S. Case No. 140 of 2025 instituted for the
offences punishable under Sections 8(c), 17(c) and 21(c) of the
N.D.P.S. Act.

3. As per the prosecution case, police apprehended
two persons who disclosed their names as Jai Prakash Kumar
and Mukesh Kumar. On Search, total 1026 gms of brown sugar
was recovered from the bag of the co-accused, Jai Prakash
Kumar. One mobile phone and digital weight machine were also
recovered from the bag of Mukesh Kumar. On query, about the



psychotropic substance they told the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offense and has falsely been implicated in this case. He submits that nothing has been recovered from the conscious possession of the petitioner and he has been made accused only on the basis of confessional statement of co-accused namely, Jai Prakash Kumar and Mukesh Kumar. He further submits that the seized contraband has been recovered from the bag of the co-accused, Jai Prakash Kumar and the petitioner has no concerned with the alleged recovery. He next submits that similarly situated co-accused persons namely Mukesh Kumar and Ankit Kumar have been granted bail by a co-ordinate Benches of this Court. Petitioner is in custody since 15.05.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR, case diary and impugned order of the learned Exclusive Special Judge-II (N.D.P.S. Act), Muzaffarpur dated 29.08.2025, it appears that petitioner is named in the FIR and his name transpired in this case during the course of investigation on the basis of confessional statement of co-accused namely Jai Prakash Kumar and Ankit Kumar. From



perusal of the records, it appears that only on the basis of the statement of informant, namely, Md. Nausad Alam, FIR has been registered under Sections 8(c), 17(c) and 21(c) of the N.D.P.S. Act against five co-accused persons including the present petitioner. Similarly situated co-accused persons from whose possession the alleged contraband (brown sugar) have recovered, namely, Mukesh Kumar and Ankit Kumar have been granted bail by a Co-ordinate Benches of this Court in Cr. Misc. Nos.72386 of 2025 and 90616 of 2025 vide orders dated 18.11.2025 and 16.01.2026, respectively, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II (NDPS Act), Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 140 of 2025.

(Ramesh Chand Malviya, J)

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