

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80722 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- PHULWARIA District- Begusarai

Manish Kumar S/o Prabhat Kumar R/o Village - Bihat Tola, Maksaspur, Ward
No. 17, P.S - Barauni, F.C.I, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate.

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-01-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with N.D.P.S. Case No.47 of 2025 arising out of Phulwaria P.S.
Case No.117 of 2025 instituted under Sections 8/20(b)(ii)B of
N.D.P.S. Act.

3. As per the prosecution case, 6 K.G. of *Ganja* was
recovered from the seat next to the co-accused Nandan Kumar
who had disclosed that he and the petitioner who is his brother
were involved in the business of sale and purchase of *Ganja*.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case only on the basis of confessional statement of co-accused.
He further submits that the petitioner was neither present at the
spot nor any incriminating article has been recovered from his



conscious possession. Learned counsel submits that except the confessional statement of the co-accused that the petitioner is also involved in the business of sale and purchase of *Ganja*, there is no material against the petitioner to connect him in this offence. He further submits that petitioner has one criminal antecedent but the same does not belong to N.D.P.S. Act and the police after investigation had submitted final form which was accepted by the Court concerned and the proceedings is dropped against the petitioner. Learned counsel submits that petitioner undertakes to cooperate in the investigation and trial. He further submits that the quantity of recovery does not comes under the category of commercial quantity.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned District & Additional Sessions Judge-I-cum-Spl. Judge, N.D.P.S. Act and P.O. of Children Court, Begusarai in



connection with N.D.P.S. Case No.47 of 2025 arising out of
Phulwaria P.S. Case No.117 of 2025, subject to the conditions
laid down in Section 482(2) of the Bharatiya Nagarik Suraksha
Sanhita, 2023.

(Sunil Dutta Mishra, J)

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