

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87812 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- SIWAN MUFFASIL District- Siwan

Rubin Kumar Manjhi S/O Baban Manjhi Resident of Village- Chak
Parshuram, P.S.- Siwan Mufassil, Dist.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, A.P.P.
:	Mr. Ajay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-03-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8,
20(B)IIA of NDPS Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case under the NDPS Act and
the informant alleges that 100 grams smack was recovered from
a car and Ankit along with Ranjan were arrested.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant, it is next submitted that petitioner was not arrested
from the spot and, as such, nothing was recovered from his



conscious possession and he came to be implicated based on the fact that he is owner of the seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create an evidence against himself and would get implicated. It is next submitted that the petitioner was completely unaware that his friend Ankit and Ranjan would misuse the vehicle in the manner as alleged who was also apprehended from the spot. It is next submitted that petitioner came to be implicated merely for the reason that he is owner of the seized vehicle. It is also submitted that commercial quantity of smack is 250 grams and above and small quantity is five grams but then intermediate quantity of smack is alleged to have been recovered from the car i.e., 100 grams. It is further submitted that a counter-affidavit has been filed by Superintendent of Police, Siwan and from perusal of paragraph-14 of the counter-affidavit, it would manifest that the same records – “That it is stated that, as per the investigation conducted and Report No. 3 of the case, no involvement of the petitioner in the commission of the alleged offence as transpired, except for the fact that he is the registered owner of the seized vehicle, copy of Report No. 3 is annexed as Annexure-A to the counter-affidavit.”



5. Learned counsel for the petitioner thus submits that even the Superintendent of Police in his counter-affidavit has clearly stated that name of the petitioner transpired for the reason that he is owner of the vehicle and except that fact no material transpires during the course of investigation connecting him with the offence. It is further submitted that merely because narcotics was recovered from the car and two persons were arrested and petitioner is owner of the vehicle that in itself cannot be a ground for sending the petitioner to jail when during the course of investigation, no material transpired even remotely connecting with the offence. It is also submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Learned A.P.P. for the State based on the counter-affidavit fairly submits that the said fact stands pleaded at paragraph-14 of the counter-affidavit.

7. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where



the case is pending/successor court in connection with Siwan Muffasil P.S. Case No. 128 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

8. One of the bailors of the petitioner shall be his father Baban Manjhi.

9. It is made clear that if the investigating officer of the case files an application before the learned Trial Court, bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

Gaurav Sinha/-

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