

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20309 of 2022**

Arising Out of PS. Case No.-150 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

NITESH KUMAR @ NITISH KUMAR SON OF LATE BRAJ KISHORE  
SINGH R/O VILLAGE- DAMODARPUR, SAHU COLONY (PATHAN  
TOLI), P.S.- KANTI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      19-07-2022      The learned counsel for the petitioner is directed to  
remove all the defects pointed out by the Stamp Reporter within  
one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Siwaipatti P.S. Case  
no. 150/2021 (NDPS Case no. 19/2022) registered for the  
offences punishable under Sections 8, 20 and 22 of the NDPS  
Act.

Allegedly, as per prosecution story, on secret  
information, police party proceeded from police station and  
reached near Chhitra Chowk and saw two persons being on a  
motorcycle who tried to flee after seeing the police party and on  
chase, one person, namely, Mohan Kumar was apprehended and  
from the possession of apprehended accused 01 kg narcotic



material suspected to be charas was recovered who disclosed the involvement of the petitioner and other accused in illegal purchase and sale of narcotic material.

The main submissions advanced by the learned counsel for the petitioner are that from possession of this petitioner any narcotic material was not recovered and petitioner's involvement surfaced in the statement of co-accused Mohan Kumar and except this there is no evidence against him, petitioner has been languishing in jail since 21.1.2022.

Learned APP has opposed the prayer for bail.

Heard both sides and perused the FIR and seizure list attached with FIR. In the present case, 01 kg narcotic material suspected to be charas was recovered which comes under the purview of commercial quantity, petitioner's role in illegal business of narcotic materials was levelled by co-accused.

Considering the nature of the allegation appearing against the petitioner as well as his criminal antecedent of three cases lodged under Excise Act and Arms Act, this Court is not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail stands rejected.

Petitioner may renew his prayer for bail after framing of the charge before the court below. If such prayer is made by



the petitioner, the learned court below will decide the regular bail petition of the petitioner on merit without being prejudiced with this order considering the available evidence according to merit.

**(Shailendra Singh, J)**

s.hassan/-

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