

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33191 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- DHANARUA District- Patna

Nitesh Kumar @ Nitish Kumar Son of Nagendra Sharma @ Nagendra Kumar
Resident of Village- Nima, P.S. Dhanarua, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Dhanarua P.S. Case No.
803 of 2023, instituted for the offences under Sections 399, 402
of the Indian Penal Code, Sections 8(c), 21(a) of the NDPS Act,
Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that, 1.500 grams
of brown sugar and two live cartridges were recovered from the
possession of the petitioner and altogether 10.69 grams of
brown sugar along with other incriminating articles were
recovered from the possession of all the accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. There is no FSL report that the alleged recovered contraband is brown sugar and the recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 100 of Cr.P.C. The petitioner is in custody since 25.12.2023 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 20320 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the small quantity, the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court



below/concerned Court in connection with Dhanarua P.S. Case
No. 803 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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