

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3287 of 2025

Arising Out of PS. Case No.-940 Year-2024 Thana- BIHTA District- Patna

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Nishant Kumar Son of Lal Bahadur Ray Resident of Village / Mohalla - Road
No. 23, Rajiv Nagar, Dinapur-Cum-Khagaul, P.S. - Rajiv Nagar, District -
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh
For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 20-02-2025 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Bihta Police Station Case No. 940 of 2024 (G.R. No.
710/2024), dated 06.10.2024, disclosing offences under
Sections 8(c)/22(c)/21(c) of the Narcotic Drugs and
Psychotropic Substance Act and Section 3(5) of the
Bharatiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report,
is that on 06.10.2024, the police intercepted a motorcycle
upon which two persons were riding and recovered 252



grams of smack kept in a bag from their possession. The person sitting on the motorcycle were arrested who disclosed their names as Rahul Kumar and Manish Kumar, and further disclosed that they are indulged in trafficking of contraband smack with the help of one Ripu Kumar and upon Ripu Kumar's indication, the arrested accused persons bought smack from one Vijay Kumar. The petitioner has been made accused as he is the owner of the motorcycle, in question.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been made accused merely because he happens to be the owner of the motorcycle. He next submits that the arrested co-accused Rahul Kumar is own brother of the petitioner and the petitioner's motorcycle was being driven by co-accused Rahul Kumar without any consent and/or knowledge of the petitioner. He further submits that Rahul Kumar and the co-accused Manish Kumar, did not disclose the petitioner's name as their associate, but the names of co-accused Ripu Kumar and Vijay Kumar, who were indulged in trafficking of contraband with the arrested co-accused persons, were



disclosed. He further submits that no iota of evidence is there against the petitioner in order to connect him with the present offence. The petitioner is having no criminal antecedent.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the person, namely, Rahul Kumar, who was arrested with the motorcycle, happens to be the own brother of the petitioner, the arrested accused persons did not disclose the name of the petitioner as one of their associates and the petitioner and the petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Session Judge-cum-Special Judge (NDPS), Patna, in connection with Bihta Police Station Case No. 940 of 2024 (G.R. No. 710 of 2024), subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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