

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6342 of 2025

Arising Out of PS. Case No.-188 Year-2024 Thana- JHANJHARPUR District- Madhubani

Amit Kumar Nayak @ Laddu Nayak, Son of Late Kesho Nayak, Resident of
Village- Machhatta Chowk, P.S.- Jhanjharpur, Distt.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Jhanjharpur P.S. Case No. 188 of 2024, dated 13.11.2024 registered for the offences punishable under Sections 22(c) of the N.D.P.S. Act and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the written report of the informant, Drug Inspector, the sole accused/petitioner was found to have narcotic drugs and other intoxicant prohibited under the Excise Act at this home and his licensed medical store was not having any medicine.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged facts and circumstances constitute offence under the Drug and Cosmetics Act, 1940 and the Informant was required to file official complaint under the Drugs and Cosmetics Act because the petitioner was having a license to run medical shop. Hence, this FIR is not sustainable in the eye of law. He also submits that the petitioner has committed no offence and at most, he is guilty of irregularities under the Drugs and Cosmetics Act by shifting the drugs at his residence. He also submits that the shop was under renovation and all the drugs were shifted to his home.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Jhanjharpur P.S. Case No. 188 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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