

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8275 of 2025

Arising Out of PS. Case No.-66 Year-2024 Thana- Telta District- Katihar

Nilkamal Choudhary @ Neel Kamal Chaudhary S/O Shrinandan Choudhary
R/O Vill.- Thumha ward no-11, P.S.- Pipra, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

ORAL ORDER

2 18-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 109 of 2024 arising out of Telta P.S. Case No. 66 of
2024 instituted for the offences under Sections 8(c), 21(b) of
N.D.P.S. Act.

3. Prosecution allegation, in short, is that total 100
gram smack and cash of Rs. 960/- were recovered from the
possession of the co-accused namely, Manish Kumar and one
motorcycle was also recovered. Petitioner is said to be the
pillion rider of the motorcycle in question.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 30.11.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, recovery below the commercial quantity and the period of custody undergone by the petitioner, 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 NDPS Case No. 109 of 2024 arising out of Telta P.S. Case No. 66 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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