

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10308 of 2025**

Arising Out of PS. Case No.-840 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Anil Kumar Mallik Son of Late Mahesh Mallik village- Dighi, Police Line,  
Ps- Hajipur sadar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

2      27-02-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Hajipur  
Sadar P.S. Case No. 840 of 2024 instituted for the offences  
under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 10 gram  
Smack has been recovered in this case.

4. Learned counsel for the petitioner submitted that the  
petitioner has falsely been implicated in the present case.  
Petitioner is in custody since 06.11.2024 and has no criminal  
antecedent. There is no allegation of tampering of witnesses  
alleged against the petitioner. No incriminating material has  
been recovered from the conscious possession of the petitioner.



The recovered contraband is above the small quantity but below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. 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, the quantity of seized substance being less than commercial quantity as also 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 Hajipur Sadar P.S. Case No. 840 of 2024.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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