

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12594 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- FALKA District- Katihar

Aman Kumar @ Aman Kumar Sah S/O Jitendra Sah @ Sikandar Sah
Resident of Village - Morsanda, P.S- Falka, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
(NDPS) Case No. 59 of 2024 arising out of Falka P.S. Case No.
160 of 2024 instituted for the offences under Sections 8(c),
20(b), 21(b), 22(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 61.39 grams
smack has been recovered from five accused persons out of
which 10.40 grams of smack has been recovered from this
petitioner.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Petitioner is in custody since 10.09.2024 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 below 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. The co-accused person has already been granted bail by this Court vide order dated 07.02.2025 passed in Cr. Misc. No. 8226 of 2025.

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, recovered narcotic 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 Special (NDPS)



Case No. 59 of 2024 arising out of Falka P.S. Case No. 160 of 2024.

Alok Verma/-

(Rudra Prakash Mishra, J)

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