

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18694 of 2025

Arising Out of PS. Case No.-1362 Year-2024 Thana- MADHEPURA District- Madhepura

Nitesh Kumar Singh Son of Pramod Kumar Singh Resident of Village -
Tamot (Tamout) Parsa, Ward No.- 1, P.S.- Murliganj, District - Madhepura
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Madhepura P.S. Case No. 1362 of 2024 registered for the
offence under Sections 8, 17(b) and 18(b) of the NDPS
Act.

3. The petitioner is named in the F.I.R. and is in
custody since 02.12.2024.

4. The allegation against the petitioner is to have
in possession of 42 grams Opium.

5. Learned counsel appearing on behalf of the
petitioner submitted that from the facial perusal of FIR



itself, it can be gathered safely that recovery of contraband not appears to be made from the conscious physical possession of this petitioner, who is man of clean antecedent. It is pointed out that the mandatory provisions *qua* search, sampling and seizure (SSS) not appears followed in present case as prescribed and on these score alone the petitioner deserves bail. It is pointed out that as recovered quantity is less than commercial quantity as in this case it is 2.5 kg and onwards, the rigors of provisions of Section 37 NDPS Act not appears applicable in present case. It is also pointed out that not even a single witness till date examined in present case. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as recovered quantity is less than



commercial for which petitioner remains in custody since 02.12.2024, accordingly petitioner above named, is directed to be released on bail in connection with Madhepura P.S. Case No. 1362 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge cum Special Judge, SC/ST, Madhepura /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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