

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25785 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- Babarganj District- Bhagalpur

Nirmal Sah @ Nirmal Kumar @ Nirmal Kumar Sah S/o Sukru Sah Resident
of Aliganj Gangti, P.S.- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Babarganj P.S. Case No. 98 of 2024, instituted for the offences punishable under Sections 21(b), 22(b) and 25 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 17.2 gram of brown sugar contained in 44 pouches from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner



also submits that the petitioner was not present at the place of occurrence. The alleged recovery has been made from the joint house of the petitioner. It is next submitted that the petitioner has got no concern with the alleged recovery of brown sugar. 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 26.11.2024 and has got two criminal antecedents in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 21.11.2024 passed in Cr. Misc. No. 81274 of 2024.

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 recovered contraband being 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 Babarganj P.S. Case
No. 98 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of
the family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on two
consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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