

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23010 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- KURSAILA District- Katihar

Nitish Kumar S/o Maharana Pratap @ Maharana Paswan R/o of Village-
Ajhokopa, P.S.- Rupauli, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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

ORAL ORDER

3 28-07-2025 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Kursela
P.S. Case No. 22 of 2025, instituted for the offences under
Sections 8, 20(B)(ii)(B), 8c and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 11 Kg of Ganja from the possession of co-accused
person and 6.74 gram smack has been recovered from the
motorcycle 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 further submits that the petitioner has got no concern with the alleged recovery of ganja and smack. No recovery of ganja has been made from the possession of the petitioner and only smack has been recovered from the possession of the petitioner for which separate seizure list has been made. 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 22.01.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. It is next submitted that co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 01.05.2025 passed in Cr. Misc. No. 25105 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, 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 Kursela P.S. Case
No. 22 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

