

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28087 of 2025

Arising Out of PS. Case No.-1157 Year-2024 Thana- ALAMGANJ District- Patna

Cute Kumar @ Kyut Kumar S/o Kamlesh Ram R/o- Mina Bazaar, Machhua
Toli, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr.Anant Kumar 1, APP

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

ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Alamganj P.S. case No. 1157 of 2024 instituted for the offences
under Sections 8(c), 21(a), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that the police has
recovered total 9.18 grams of smack (heroin), 16 ampules of
Pheniramine Nalatte Injection IP and 03 Syringes from the
possession of the accused persons including the petitioner. It is
alleged that 5.4 grams of smack was recovered from the
possession of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is in custody since 27.12.2024 and has one criminal antecedent of the Excise Act. There is no allegation of tampering of witnesses alleged against the petitioner. He further submits that there is no chemical examination of the contraband recovered in this case. There is also no any assertion in the F.I.R. itself that any sampling has been done for sending it for any FSL/chemical examination report to prove it. Nothing 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.

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 as also the period of custody undergone by the petitioner and the quantity of contraband being below the commercial quantity, 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 Alamganj P.S. case
No. 1157 of 2024.

(Rudra Prakash Mishra, J)

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