

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34324 of 2025

Arising Out of PS. Case No.-45 Year-2024 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

Nitish Kumar S/o Sonelal Mandal R/o Village- Naya Tola, P.S.- Naugachiya,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate
		Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with N.D.P.S. Special Case No.27 of 2024, arising out of Naugachhiya Rail P.S. Case No. 45 of 2024, lodged on 30.10.2024, under Sections 8/20(b)(ii)A of the N.D.P.S. Act and under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 174 grams Ganja, 200 ml foreign liquor and one empty bottle of cough syrup (100 ml) has been made which is the subject matter of the



present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the possession of the petitioner. Counsel further submits that petitioner is in custody since 27.03.2025 having no criminal antecedent. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and fairly submits that though the said articles have not been recovered from the conscious possession of the petitioner but all those articles were recovered from the shop of the petitioner where he used to sell the tea. He further submits that the petitioner used to do the commercial work, i.e., selling of Ganza commercially.

6. In this view of the matter, this Court is not inclined to grant regular bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected. However, liberty is granted to the petitioner that he may renew his prayer for bail after framing of the charge.

(Dr. Anshuman, J)

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