

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34615 of 2025

Arising Out of PS. Case No.-433 Year-2024 Thana- ARARIA District- Araria

NITISH KUMAR @ NITISH KUMAR YADAV S/O VISHNU DEO YADAV
@ VISHUN DEO YADAV R/O Vill.- KHARAHYA BASTI, WARD NO 10,
P.S.- ARARIA, DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Araria Town P.S. Case No. 433 of 2024 for the offence under sections 8(c) and 21(b) of the N.D.P.S. Act lodged on 12.08.2024 by the informant, Ankur.

3. As per the prosecution story, the informant alleged that on secret information, the house of Pappu Yadav was raided and there is recovery/seizure of 10 grams smack. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the house belongs to one Pappu Yadav, only because of his criminal antecedent, he has been implicated and nothing has been recovered from his conscious possession. In any case,



the recovery/seizure is below the commercial quantity.

5. Learned APP opposes the prayer submitting that smack has been recovered though he concede that it is below the commercial quantity.

6. Taking into account the submissions of the parties as also that the recovery/seizure is from the house of Pappu Yadav, FIR lodged and he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Principal District and Sessions Judge, Araria in connection with Araria Town P.S. Case No. 433 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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