

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40383 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- Marnga District- Purnia

1. Nehal Babu @ Nihel Babu @ Nihal babu son of Sorab Alam village- Dal Basti, Ps- Gwalpokhar Dist- Uttar Dinazpur (WB)
2. Noor Mohammad Son of Ali Mohammad village- Adhikari Ward no. 23, Ps- Gwalpokhar, dist- Uttar Dinazpur (WB)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 13-08-2025 The present bail application has been listed today under the heading “To be Mentioned” and is being heard and disposed of on merit.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners seek bail in connection with Maranga P.S. case No. 86 of 2025 registered for offence under Sections 8(C), 21(A) of the N.D.P.S. Act.

4. As per prosecution case, the police has recovered 05 gram Smack/Brown Sugar and cash amounting Rs. 8100/- from the conscious possession of the petitioner no.1. It is alleged that the petitioner no.2 was accompanying the petitioner no.1.



5. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case due to ulterior motive and on the basis of suspicion. Petitioners are in custody since 17.03.2025. The petitioner no.1 has one criminal antecedent whereas petitioner no.2 has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners further submits that the recovered 5 gram of Smack/Brown Sugar comes under the small quantity. Learned counsel for the petitioners, placing reliance on the order of this Court dated 10.04.2025 passed in Cr. Misc. No. 15800 of 2025, submits that 5 gram of smack comes under the bailable section and the accused is entitled to be released on bail. Since, the recovered contraband is below commercial quantity, 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.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case and the quantity of the contraband as also the period



of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maranga P.S. case No. 86 of 2025.

(Rudra Prakash Mishra, J)

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