

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40905 of 2025

Arising Out of PS. Case No.-135 Year-2025 Thana- GAYA MUFASIL District- Gaya

Nitish Kumar S/O Rajendra Prasad Resident of village- Ishwar Chaudhary
Halt, PS- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Muffasil PS Case No. 135 of 2025 instituted for the offences
under Sections 8, 20(B)ii(A) of the NDPS Act.

3. Prosecution allegation, in short, is that total 6.900
Kg ganja was allegedly recovered from the Scooty of the
petitioner, during patrolling.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet 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 petitioner has no concern with the recovered contraband and in this connection, learned counsel for the petitioner submits that recovery is planted and he has become victim of the circumstances. 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 18-02-2025 and has got no criminal antecedent. 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, recovery is below 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 Muffasil PS Case No. 135 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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