

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50172 of 2025

Arising Out of PS. Case No.-385 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Bittu Kumar S/o- Ram Kumar Thakur R/o- Durgapur, PS- Nagar Katihar,
Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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

ORAL ORDER

2 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Katihar
Nagar P.S. Case No. 385 of 2025, instituted for the offences
under Sections 8(c), 21(b), 22(b), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 21.93 grams
of smack has been recovered in this case.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
Petitioner is in custody since 21.04.2025 and has no criminal
antecedent. There is no allegation of tampering of witnesses
alleged against the petitioner. No incriminating material has
been recovered from the conscious possession of the petitioner



rather the recovery has been made from the co-accused Rakesh Sahni. 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. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 30.07.2025 passed in Cr. Misc. No. 47178 of 2025.

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, the recovered contraband being below the 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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Katihar Nagar P.S. Case No. 385 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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