

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51851 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- NAKARDEI District- East Champaran

Amod Kumar @ Amod Kumar Kushwaha @ Anuj Kushwaha@ Anod Kumar
son of Omprakash Mahto @ Om Prakash Prasad Kushwaha village-
Kargvenwa ward No 1 Ps- Nakardai District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

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

ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Nakardai P.S. Case No. 11 of 2024 instituted for the
offences under Section 317(5) of the Bharatiya Nyaya Sanhita
and Sections 8(c), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, police recovered 102 grams
Smack like substance as also 10 gram brown sugar from the
house of the co-accused Sheikh Karmullah. It is further alleged
that police also recovered Nepali and Indian currency from the
said place apart from some mobile phones, watch and other
materials.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Petitioner 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 house of co-accused Shiekh Karmullah who has already been granted regular bail by this Court vide order dated 25.02.2025. Learned counsel further contended that, prima-facie, no case is made out against the petitioner. 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 Section 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 and, prima-facie, no case is made out against the petitioner, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory 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 Nakardai P.S. Case



No. 11 of 2024, subject to the conditions as laid down under
Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita,
2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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