

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53103 of 2025

Arising Out of PS. Case No.-410 Year-2025 Thana- MADHAURAH District- Saran

Mithun Nat @ Mithu Nat S/o Munna Nat Resident of Pakha Nat Toli, P.S.-
Marhowrah, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

3 30-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Marhowrah P.S. case No. 410 of 2025 instituted for the offences
under Sections 317(4) & 317(5) of the Bhartiya Nyaya Sanhita,
2023, Sections 8A(c), 21(b) of the N.D.P.S. Act and Sections
25(1-b)a, 26 & 35 of the Arms Act.

3. As per prosecution case, total 30 gram of smack
like substance has been recovered by the police in this case, out
of which 8 gram is allegedly recovered from the petitioner's
possession.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.



Petitioner is in custody since 15.06.2025 and has one 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 petitioner. Petitioner has no concern either with the recovered contraband or with the arms. 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. Other co-accused has been granted bail by this Court vide order dated 19-08-2025, passed in Cr. Misc. No. 55671 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, claim based on parity, the period of custody undergone by the petitioner as also the taking into account the quantity of the seized contraband which is below the commercial quantity, 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/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Marhowrah P.S. case
No. 410 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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