

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58310 of 2025

Arising Out of PS. Case No.-940 Year-2024 Thana- BIHTA District- Patna

Manish Kumar S/O Mahendra Ram @ Mahesh Ram R/O Village-Fatehpur,
PS-Didarganj, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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

ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihta
P.S. Case No. 940 of 2024 instituted for the offences under
Sections 8(c), 21(c), 22(c) of the N.D.P.S. Act and Section 3(5)
of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution allegation, in short, is that there is
recovery of 252 grams of smack kept in a bag from possession
of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 07.10.2024 and
has got no criminal antecedent. Charge-sheet has been



submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. There is no compliance of Section 42 and 50 of the NDPS Act. The co-accused person has already been granted bail by this Court vide order dated 05.08.2025 passed in Cr. Misc. No. 34490 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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