

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60063 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- BHANGHA District- West Champaran

Nitish Kumar Patel S/o- Ghutan Patel R/o- Kehuniya Ps- Shikarpur Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vatsal Verma, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

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

ORAL ORDER

2 03-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bhangha P.S. case No.
50 of 2025 instituted for the offences under Sections 8, 20(b)(ii)
(B), 23(c) and 29 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that on secret
information regarding smuggling of narcotic substance, the
police seized 2.65 kg of ganja from 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 11.05.2025 and
has got no criminal antecedent. Charge-sheet has been
submitted in this case. No incriminating material has been



recovered from the conscious possession of the petitioner. The seized contraband was sent for F.S.L. examination after a lapse of more than one and a half month. 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. 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, clean antecedent of the petitioner, the period of custody undergone by the petitioner and the recovered contraband below 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 Bhangha P.S. case No. 50 of 2025.

(Rudra Prakash Mishra, J)

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