

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69074 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- Excise P.S. District- Nawada

Hiraman Nishad @ Veeru S/o Virendra Nishad R/o Village- Hirnahi, P.S.-
Jatha Bazar, District- Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Deo Raj, Adv.
For the Opposite Party/s	:	Mr.Rana Randhir Singh, APP
For the UOI	:	Mr. Krishna Kant Tiwari, Adv.

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

ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel appearing on behalf of

the Union of India.

2. The petitioner seeks bail in connection with NDPS
Case No. 07 of 2025 arising out of Nawada Excise Case No. 27
of 2025 instituted for the offences under Sections 8(b)/20(b)
(ii)b/27a of the N.D.P.S. Act.

3. The allegation in the FIR is that in course of
checking of vehicles, the police force intercepted a vehicle and
on search at seat nos. 8 & 9, two passengers along with their
bags were sitting and on query, disclosed their name as Anurag
Yadav and Pintu Rao. On search, 5.746 kg ganja in six packets



were recovered from the bag of Pintu Rao, whereas 4.841 kg ganja kept in five packets were recovered from backpack of co-accused Anurag Yadav. In the same transaction, the police has also recovered 4.227 Kg. Ganja from the possession of the petitioner Hiranman Nishad @ Veeru as also 4.298 Kg. Ganja from the possession of Ritesh Gaud.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 16.01.2025 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 alleged contraband has been recovered from the abandoned bag which was kept in the bus under the seat. Further, it is submitted that the recovery is of 4.227 kg which is a little over small quantity but much less than commercial quantity. 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 again submits that the co-accused namely Pintu Rao has been granted bail by a Co-



ordinate Bench of this Court vide order dated 21.05.2025 passed in Cr. Misc. No. 32256 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, clean antecedent, the period of custody undergone by the petitioner as also the recovered contraband being 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 NDPS Case No. 07 of 2025 arising out of Nawada Excise Case No. 27 of 2025.

(Rudra Prakash Mishra, J)

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