

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72469 of 2025**

Arising Out of PS. Case No.-355 Year-2025 Thana- KISHANGANJ District- Kishanganj

1. Amit Chouhan @ Amit Kumar @ Amit Kumar Chouhan S/o Late Ramu Chouhan R/o Village- Matibagh, near Sarswati Mandir, P.S.- Kishanganj, District- Kishanganj
2. Nitish Chouhan @ Nitish Kumar @ Nitish Kumar Chouhan S/o Late Ramu Chouhan R/o Village- Matibagh, near Sarswati Mandir, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioner seeks bail in connection with Kishanganj P.S. Case No. 355 of 2025, instituted for the offences punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 10.60 gm brown sugar from the house of petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners



further submits that the petitioners have got no concern with the alleged recovery of brown sugar. 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. The petitioners are in custody since 30.06.2025. Petitioner no. 1 has got four criminal antecedents in which he is on bail, whereas, petitioner no. 2 has got nine criminal antecedents in which he is on bail. 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 petitioners.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kishanganj P.S. Case No. 355 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.



(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

