

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20775 of 2026

Arising Out of PS. Case No.-135 Year-2025 Thana- Patarghat District- Saharsa

Nitish Kumar son of Late Ravindra Yadav Resident of village- Maharajganj,
Ward no. 15, Ps- Arar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 02-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8(c) and 21(b) of the N.D.P.S. Act.

3. The case of the prosecution is that altogether 100.70 grams of heroin like substance was recovered from the left pocket of this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from the possession of this petitioner. Learned counsel for the petitioner has submitted that while making seizure, Section 105 of B.N.S.S. has not been complied and the seizure list witnesses



are police personnel. He has also submitted that Section 50 of the NDPS Act has not been complied while making search the body of the petitioner. It has also been submitted that though the quantum of the contraband which has been recovered from the possession of this petitioner is more than small quantity but is much less than commercial quantity. Moreover, he is languishing in judicial custody since 01.11.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Patarghat P.S. Case No. 135 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Saharsa.

(Ashok Kumar Pandey, J)

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