

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20712 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- PALASI District- Araria

Nitish Kumar Sah Son of Vinod Sah Resident of Village - Kaliaganj, Ward
No. 09, P.S. - Palasi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Palasi P.S. Case No.44 of 2026 registered for the offence punishable under Sections 8(c), 20(b)(ii) & 22(c) of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that from the possession of this petitioner, 91 gm of *smack* was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that the recovery was made from an open house. It has further been submitted that nothing has been recovered from the possession of the petitioner. Learned counsel for the petitioner has further submitted that the witnesses of the seizure list are police personnel and police has not complied Section 105 of the BNSS while making seizure. It has further



been submitted that the alleged recovery of contraband is though more than small quantity but is much less than commercial quantity. Learned counsel has further submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 31.01.2026.

5. The application for bail is opposed by learned APP for the State.

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Sessions Judge-cum-Special Judge, NDPS Act, Araria in connection with Palasi P.S. Case No.44 of 2026.

(Ashok Kumar Pandey, J)

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