

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36159 of 2026

Arising Out of PS. Case No.-97 Year-2025 Thana- MANIGACHI District- Darbhanga

Nitish Kumar S/O Om Prakash Mahto@ Om Prakash Mehta R/o - Ward
No.11, Baisa, Near School, P.S - Bhaptiyahi, Bhaptiahi, District - Supaul,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned Counsel for the petitioner and
learned APP for the State.

3. The petitioner who apprehends arrest in connection
with Manigachi P.S. case no. 97 of 2025 lodged on 10.07.2025,
for the offences punishable under sections 20 and 22 of the
N.D.P.S. Act, 1988.

4. As per the prosecution, total recovery of 8.350
gram *ganja*, is the subject matter of the present case.

5. It is submitted by learned counsel for the
petitioners that the petitioners are innocent and have committed
no offence. In fact, the petitioner is not named in the FIR rather



the FIR has been lodged against unknown accused persons as well as also owner of the vehicle from which the alleged recovery was made. The name of the petitioner has come in this case during investigation on the basis of confessional statement of co-accused. Admittedly, nothing has been recovered from the possession of the petitioner, hence, the ingredient of N.D.P.S. Act shall not be attracted. The antecedent of the petitioners is clean and he is ready to fulfill all the conditions whatsoever shall be imposed in the event of granting bail.

6. Learned APP for the State vehemently opposes the prayer for bail and submits that the owner of the vehicle from which the alleged recovery was made has been granted regular bail by this Hon'ble Court and he has taken plea that it is the petitioner who has taken the said vehicle on rent and was indulged in illegal trade of *ganja*.

7. In this background, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners in connection with Manigachi P.S. case no. 97 of 2025 , pending before the learned Additional Session Judge- XI cum Special Judge N.D.P.S., Darbhanga is hereby rejected.

8. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court shall



pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner’s anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

Ashwini/Manshi

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

