

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40112 of 2026

Arising Out of PS. Case No.-109 Year-2026 Thana- BHARGAMA District- Araria

Nitish Kumar @ Nitish kumar yadav Krishna Kumar Yadav @ Krishna Narayan Yadav Resident Of Vill-Shankarpur, Ward No-01 PS- Bhargama, Dist- 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. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for bail in connection with Bhargama P.S. Case No. 109 of 2026 registered for the offence punishable under Sections 8(c) and 21(c) of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that altogether 43.41 grams of *smack* was recovered from the possession of this petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that nothing has been recovered from the possession of the petitioner. The witnesses of the seizure list are



police personnel and the police has not complied with Section 105 of the BNSS while making the seizure. He further submits that Section 50 of the N.D.P.S. Act was also not complied while making the search of the person of the petitioner. He further submits that the alleged recovery of contraband is though more than small quantity but is much less than commercial quantity. Moreover, the petitioner is languishing in judicial custody since 18.04.2026.

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 learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria in connection with Bhargama P.S. Case No. 109 of 2026.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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