

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71755 of 2025

Arising Out of PS. Case No.-175 Year-2024 Thana- ARARIA District- Araria

Nitish Kumar S/O Suresh Mehata Resident Of Village- Hanuman Nagar
Chaura Ward No. 17, Police Station- Madhepura Sadar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 88163 of 2025

Arising Out of PS. Case No.-175 Year-2024 Thana- ARARIA District- Araria

Pawan Pandit @ Pawan Kumar Pandit Son of Late Narayan Pandit R/o
Village - Jimrahi, Ward No.- 03, P.S.- Bathnaha, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 71755 of 2025)
For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP
(In CRIMINAL MISCELLANEOUS No. 88163 of 2025)
For the Petitioner/s : Mr.Uzma Sultan, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-02-2026 Heard Mr.Mukesh Kumar Rana, learned counsel for

the petitioner and Mr.Anand Kishore Choudhary, learned A.P.P.

for the State (In CRIMINAL MISCELLANEOUS No. 71755 of

2025) and Mr.Uzma Sultan, learned counsel for the petitioner

and Mr.Nawal Kishore Prasad, learned A.P.P. for the State (In

CRIMINAL MISCELLANEOUS No. 88163 of 2025).



2. The petitioners seek bail who are in custody since 16.03.2024 in connection with Araria (Bairgachhi O.P.) P.S.Case No.175 of 2024 corresponding to NDPS Case No. 91 of 2024, F.I.R. dated 15.03.2024 registered for the offence punishable under Sections 8,20(b),(ii)(C),25,29 of N.D.P.S.Act.

3. Earlier the prayer for bail of petitioner, namely, Nitish Kumar was rejected vide order dated 06.12.2024 passed in Cr. Misc. No.68819 of 2024 and also the prayer for bail of petitioner, namely, Pawan Pandit @ Pawan Kumar Pandit was rejected vide order dated 25.09.2024 passed in Cr. Misc. No.57231 of 2024.

4. Vide order dated 09.10.2025, a report was called for in Cr. Misc. No. 71755 of 2025 with regard to the present stage of the trial. Report of the learned Trial Court dated 24.01.2026 reveals that all the chargesheeted witnesses including seizure list witnesses have already been examined.

5. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR that altogether 37.265 Kilograms of Ganja has been recovered from the vehicle in question and nothing has been recovered from conscious possession of the petitioners and petitioners



have no concern at all with the alleged recovery of contraband and petitioners have been made accused in the present case merely on the basis that petitioner, namely, Nitish Kumar is driver of the vehicle in question and petitioner, namely, Pawan Pandit @ Pawan Kumar Pandit is co-passenger of the vehicle in question.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the recovered contraband is more than the commercial quantity and there is embargo under Section 37 of NDPS Act to enlarge the petitioners on bail and F.S.L. report also confirms that the recovered article is contraband and apart from that, petitioner, namely, Nitish Kumar carries two more cases other than the present one, one case is pertaining to NDPS matter one case is Excise matter but fairly submits that he is on bail in the pending matters. Petitioner, namely, Pawan Pandit @ Pawan Kumar Pandit has clean antecedent.

7. Considering the aforesaid facts and in view of the report of the learned Trial Court, I am not inclined to enlarge the petitioners on bail in connection with Araria (Bairgachhi O.P.) P.S.Case No.175 of 2024 corresponding to NDPS Case No. 91 of 2024, pending in the court of learned District and Additional



Sessions Judge-IV, Araria.

8. Prayer is refused.

9. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

Nitesh/-

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