

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.90638 of 2025**

Arising Out of PS. Case No.-136 Year-2025 Thana- TIKAPATTI District- Purnia

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Mausam Kumar S/o Ganesh Yadav R/o Village - Tikapatti Ward no. 10, P.S -  
Tikapatti, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      13-01-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Tikapatti P.S. Case No. 136 of 2025, instituted for the offences  
punishable under Sections 8(c), 21(b), 25 and 29 of the NDPS  
Act.

3. Prosecution allegation, in short, is that there is  
recovery of total 20.39 gram smack from the possession of  
petitioner along with other co-accused person.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that the petitioner has got no concern with the alleged recovery of smack. It is further submitted that the petitioner has been arrested only on the basis of suspicion. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 23.08.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tikapatti P.S. Case No. 136 of 2025.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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