

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11681 of 2025

Arising Out of PS. Case No.-199 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

Jawed Farukhi @ Jawed Faruki S/O Munawar Farukhi @ Manauwar Farukhi
Resident Of Kudra Ward No. 15, Ps- Kudra, Dist.- Kaimur, Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Alka Singh, Adv.

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

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kudra
P.S. Case No. 199 of 2024 instituted for the offences under
Sections 8(C), 21(b), 27(a) & 29 of the N.D.P.S. Act, 1985.

3. As per prosecution case, the police has recovered
9.590 grams smack in 19 small packets from the possession
of the co-accused Mahtab Faruki whereas 6.740 grams in 46
packets were recovered from the possession of co-accused
Shyam Sundar Sharma.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as
alleged against him and has falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The name of the petitioner has transpired in this case during investigation on the basis of the confessional statement of the arrested co-accused Mahtab Farukhi @ Mahtab Faruki. The petitioner neither sells nor brings any such contraband from any state. The petitioner does not deal in such illegal contraband or deals in selling of such contraband. The quantity of contraband recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 26.11.2024 without any rhyme or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely 05.12.2024 has been granted bail by this Court vide order dated 05.12.2024 passed in Cr. Misc. No.



69736 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the quantity of contraband being much below the commercial quantity, the period of custody of the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kudra P.S. Case No. 199 of 2024.

(Rudra Prakash Mishra, J)

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