

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4387 of 2025

Arising Out of PS. Case No.-467 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

=====

Md. Shahid Alam Son of Late Md. Kurban Ali @ Late Kurban Ali Resident of
Village- Pital Talla, P.S.- Kaliyachak, District- Malda (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

=====

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

ORAL ORDER

2 04-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2 The petitioner seeks bail in connection with
Bakhtiyarpur PS Case No. 467 of 2024 instituted for the
offences under Sections 8(c) & 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 51.31 grams smack like substance has been
recovered from the petitioner's possession.

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 further submits that petitioner has no concern with



the recovered contraband. 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 14-10-2024 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, recovery below 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bakhtiyarpur PS Case No. 467 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

