

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4496 of 2025

Arising Out of PS. Case No.-308 Year-2024 Thana- ADAPUR District- East Champaran

Mazmullah Ansari son of Late Mojahir Hussain village- Imilwa Visunpurwa
Ps- adapur, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, 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 Adapur
P.S. Case No. 308 of 2024 instituted for the offences under
Sections 8 and 20(b)(ii)(B) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 5 Kg. 700 Gram Ganja kept in a plastic sack from the
grocery shop of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence at all as
alleged against him rather he has falsely been implicated in the
present case only with a view to cause harassment. Learned
counsel for the petitioner submits that the alleged contraband



was not recovered from his shop rather the same has been recovered from another room and he had no knowledge of the same. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. The petitioner has no concern with the alleged recovered Ganja. Learned counsel for the petitioner submits that the seized contraband is less than commercial quantity, therefore, there is no rider of section 37 of the NDPS Act in allowing the bail application. There is also non-compliance of mandatory provisions of Section 42 and 50 of the N.D.P.S. Act. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 06.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also the recovered contraband being



below the commercial quantity, 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 Adapur P.S. Case No. 308 of 2024.

(Rudra Prakash Mishra, J)

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