

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10814 of 2025

Arising Out of PS. Case No.-922 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Mubarak Hussain Son of Md. Ibrahim Resident of Telniya Rahika Ward No.3,
P.S. - Dagarua, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

3 25-04-2025 Heard Mr. Md Fazle Karim, learned counsel for the
petitioner and Ms. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 114 of 2024, arising out of Katihar Nagar P.S. Case
No. 922 of 2024, instituted for the offences punishable under
Sections 8(c), 21(b) and 22(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 206.53 gm smack out of which 103.6 gm
smack has been recovered from the possession of the petitioner.

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 the petitioner has got no concern with the alleged recovery of smack. 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 03.12.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner submits that identically situated co-accused has been enlarged on regular bail by this Court vide order dated 13-02-2025, passed in Cr. Misc. No. 6065 of 2025.

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, claim based on parity 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 NDPS Case No. 114
of 2024, arising out of Katihar Nagar P.S. Case No. 922 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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