

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20094 of 2025

Arising out of PS. Case No.-628 Year-2024 Thana- ARARIA District- Araria

Md. Sarfaraz Ansari @ Sarfaraz Ansari S/o Rustam Ansari @ Md. Rustam Ansari R/o Vill - Rajokhar Panchayat, Hayatpur, ward no. 5, P.S.- Araria R.S., Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11237 of 2025

Arising out of PS. Case No.-628 Year-2024 Thana- ARARIA District- Araria

Md. Tashib Alam @ Md. Tahsib Alam S/o Noor Alam R/o vill- Rajokhar Bazar, ward no 05, P.S- Araria RS, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20094 of 2025)

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

For the Opposite Party/s: Mr. Chandra Bhushan Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 11237 of 2025)

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 18-06-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

2. The petitioners seek bail in a case instituted for the offences under Sections 8(c) and 21(b) of NDPS Act. Petitioner Md. Sarfaraz Ansari @ Sarfaraz Ansari has no criminal antecedent and Petitioner Md. Tashib Alam @ Md. Tahsib Alam.



3. The prosecution case is to the effect that on secret information that two persons were carrying contraband articles on a motorcycle the police intercepted them and apprehended two persons and on search 100 Grams of smack was recovered from petitioner Md. Sarfraz Ansari @ Sarfaraz Ansari as well as one mobile phone was recovered from the possession of both the petitioners namely Md. Sarfraz Ansari @ Sarfaraz Ansari and Md. Tashib Alam @ Md. Tahsib Alam.

4. It is submitted by learned counsel for the petitioners that they have falsely been implicated in this case and no such recovery as stated has been made from the conscious possession of the petitioners. It is next submitted that the seized contraband article was of intermediate quantity. It is lastly submitted that the petitioner namely Sarfraz Ansari has clean antecedent and petitioner namely Md. Tashib Alam has two criminal antecedents and they are in custody since 19.12.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and has submitted that the petitioners were apprehended along with the contraband substance.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that intermediate quan-



tity of contraband article was recovered from the possession of the petitioner Sarfaraj Ansari and no recovery of contraband article has been made from the possession of the petitioner Md. Tashib Alam and they are in custody since 19.12.2024, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Principal District & Sessions Judge, Araria in connection with Araria P.S. Case No. 628 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent



of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is necessary to observe that despite previous orders of this Court dated 06.03.2025 passed in Cr. Misc. No. 11237 of 2025 regarding an express reminder for sending the FSL Report, it has not been sent by the police nor any communication with regard to the same has been received by the Court, which is very unfortunate and speaks volume about the indifferent attitude of authorities towards the orders of this Court.

8. Let a copy of this order be sent to the Superintendent of Police, Araria at the earliest, who shall personally enquire about the erring officer/employee, who was responsible for such inaction and ensure that his Office is diligent in future.

(Sourendra Pandey, J)

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