

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13880 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- FALKA District- Katihar

Md. Azam Son of Late Md. Sidhu Resident of Village - Morsanda, P.S. -
Falka, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ahmad Ali, APP

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

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Falka
P.S. Case No. 160 of 2024 instituted for the offences under
Sections 8(c), 20(b), 21(b), 22(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 61.39
grams smack has been recovered from five accused persons
out of which 9.75 gram of smack has been recovered from
the petitioner.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
Petitioner is in custody since 10.09.2024 and has no criminal



antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court *vide* order dated 16.01.2025, passed in Cr. Misc. No. 90135 of 2024. Co-accused has also been granted by this Court *vide* order dated 07.02.2025 passed in Cr. Misc. No. 8226 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, recovery of contraband being less than commercial quantity, clean antecedent of the petitioner as also the period of custody undergone by the petitioner and the prayer for bail being based on parity, 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 Falka P.S. Case No. 160 of 2024.

(Rudra Prakash Mishra, J)

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