

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10971 of 2025

Arising Out of PS. Case No.-293 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Md. Zabbar @ Md. Jabbar S/O Md. Allauddin @ Allauddin Resident of
Village- Mohammad Nagar, Ward No. 4, P.S.- Madhubani, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 18445 of 2025

Arising Out of PS. Case No.-293 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Md. Nazrul Alam @ Nandrul Alam Son of Seikh Siraj @ S.K. Siraj Resident of
Village- Mohammad Nagar, Ward No. 04, P.S.- Madhubani, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 10971 of 2025)
For the Petitioner/s : Md. Musowir, Adv.
For the Opposite Party/s : Mr.Madan Kumar, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 18445 of 2025)
For the Petitioner/s : Mr.Nishant Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in
connection with Sahayak Khazanchi P.S. Case No. 293 of 2024,
registered for the offences under Sections 8(c)21(b) of the
N.D.P.S. Act.



3. As per the prosecution case, on getting secret information about two persons selling smack, a raid was conducted and the petitioners were apprehended and from the possession of the petitioners, recovery of 28.57 gram and 44.37 gram of Smack like substance was made. A motorcycle was also seized for which no papers were shown. Subsequently, it transpires from the F.S.L. examination that the recovered contraband is Alprazolam.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners. Though the police claimed that the petitioners have been dealing in Smack, no Smack was recovered from them. Moreover, the Alprazolam, contraband said to be, quantity recovered from the petitioners is less than the commercial quantity though it is more than the small quantity. The petitioner, Md. Zabbar is having antecedent of once case whereas petitioner Md. Nazrul Alam is having clean antecedent. The petitioners are in custody since 12.11.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P.



submits that the petitioners were caught red handed and total recovery is about 72.94 grams and the commercial quantity is only 100 gram for Alprazolam.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the recovery of less than commercial quantity and further considering submission of charge sheet and period of custody, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, NDPS Act, Purnea/concerned court, in connection with Sahayak Khazanchi P.S. Case No. 293 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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 three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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