

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19697 of 2025

Arising Out of PS. Case No.-939 Year-2024 Thana- KATIHAR NAGAR District- Katihar

1. Md. Sabir S/o- Md. Hakim R/o- Hajipur Ps- Muffasil Dist- Katihar
2. Md. Mahfooz @ Mahfooz Alam Son of Md. Sakim R/o- Hajipur Ps- Muffasil Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kashyap, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

2 10-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Katihar Town P.S. Case No. 939 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 5.70 gram smack from the possession of these petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners



also submits that the petitioners have got no concern with the alleged recovery of smack. It is further submitted that the petitioners were passerby of that way and was apprehended on the basis of suspicion. 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 petitioners are in custody since 08.12.2024 and have got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Katihar Town P.S. Case No. 939 of 2024.

(Rudra Prakash Mishra, J)

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