

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16468 of 2025**

Arising Out of PS. Case No.-3 Year-2025 Thana- ABADPUR District- Katihar

Md. Sah Alam Son of Late Jalaluddin R/O- Dhatta, P.S.- Abadpur, Distt.-  
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                              |
|--------------------------|---|--------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Kunwar Ajit Singh, Adv.<br>Mr. Sanjeev Kumar Singh, Adv. |
| For the Opposite Party/s | : | Mr. Tarun Prasad Mandal, APP                                 |

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

ORAL ORDER

2      22-03-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Abadpur P.S. case No. 03 of 2025 instituted for the offences under Sections 21(a), 21(b), 22(a), 22(b), 27(a) of the N.D.P.S. Act.

3. As per prosecution allegation, the police, on receipt of secret information, reached at the place of occurrence. On seeing the police, two persons started fleeing from there but, on chase, they were apprehended by the police. On query, they disclosed their names as Md. Suleman and Md. Sah Alam (the petitioner). On search, total Rs. 910/- and 6.00 gram *Smack* was recovered from their joint possession. It is alleged that the



police has recovered Rs. 100/- and 1.00 gram of *Smack* from the possession of the petitioner/Md. Sah Alam.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to local politics only to harass the petitioner. The petitioner is in custody since 03.01.2025 and has got no criminal antecedent. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that total 6 gram of *Smack* has been recovered which is just above the small quantity but, much below the 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature.

6. Considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also the quantity of contraband which is much below the commercial quantity, 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 Abadpur P.S. case No. 03 of 2025.

(Rudra Prakash Mishra, J)

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