

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18758 of 2025

Arising Out of PS. Case No.-886 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Md. Saifuddin Son of Late Md. Taslim Resident of Village- Hajir Basir Tola,
Mongra, Ward No. 04, P.S.- Musaffil, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Yadav, Advocate

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

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

ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Town
PS Case No. 886 of 2024 instituted for the offences under
Sections 8(c) & 22(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 11.54 grams smack from the possession of co-
accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband as the same has been recovered from the possession of the co-accused. Learned counsel for the petitioner submits that there is no independent witness to the occurrence who has supported the prosecution story, thus the whole sequence of events narrated in the FIR creates a reasonable doubt in the manner in which investigation was conducted. 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 petitioner is in custody since 23-11-2024 and has 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity and the period of custody undergone by the petitioner, 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 Town PS Case No.
886 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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