

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19289 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- JIYAPOKHAR District- Kishanganj

Md. Akhtar Hussain @ Akhtar Hussain @ Md. Akhtar S/o Late A Rahman
R/o Morchanbasti, P.S.- Jiapokhar, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Dilip Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-05-2025 Heard learned Senior Counsel for the petitioner
and learned APP for the State.

2. This application is for grant of regular bail in connection with Jiyapokhar P.S. Case No.25 of 2024, registered for the offences under Sections 8 (c), 21(b) of the NDPS Act.

3. As per the F.I.R., the recovery is of 25.50 gm of MDMA from the house of the petitioner.

4. Learned Senior Counsel for the petitioner submitted that the recovery is not from the petitioner but it is a planted recovery and in violation of Section 50 of NDPS Act. The petitioner is in custody since 29.12.2024 and he has one criminal antecedent.

5. Learned APP for the State vehemently opposed



the bail application.

6. The commercial quantity of MDMA is 10 gm and recovery is much more than the commercial quantity.

7. Considering the bar of Section 37 of the NDPS Act which deals in grant of bail in commercial quantity in cases where the recovery is of commercial quantity, I am not inclined to extend the privilege of regular bail to the petitioner.

8. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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