

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22283 of 2025

Arising Out of PS. Case No.-136 Year-2023 Thana- NAYA RAM NAGAR District- Munger

Md. Nasir Son of Md. Julfikar Ali @ Zulfikar Ali @ Jullo Resident of
Village-Mahamada, P.S.-Nayaram Nagar, District-Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rishi Raj Raman, Adv.
For the State	:	Mr.Parmanand Kumar, APP
For the UOI	:	Ms. Parul Prasad, A.S.G.
		Mr. Aditya Anand, Adv.

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

ORAL ORDER

2 28-04-2025 Heard learned counsel for the parties.

2. Heard learned counsel for the petitioner and

learned APP for the State as also learned counsel for the

Union of India.

3. The petitioner seeks bail in connection with

Nayaram Nagar P.S. case No. 136 of 2023 instituted for the

offences under Sections 20/22 of the N.D.P.S. Act.

4. As per prosecution case, the police has recovered

total 2.250 Kilogram of Ganja along with a D.B. Gun from the

house of the co-accused Md. Julfikar who disclosed the name

of the petitioner in the present case.



5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioner has surrendered before the learned court below on 22.01.2025 and, since then, he is in custody. The petitioner has one criminal antecedent. The name of the petitioner has transpired in this case on the basis of the disclosures made by the apprehended co-accused Md. Julfikar Ali who has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.01.2024 passed in Cr. Misc. No. 74600 of 2023. The apprehended co-accused Md. Julifkar Ali is the father of the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below 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.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, the quantity of the alleged contraband being below the commercial quantity as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

8. 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 Nayaram Nagar P.S. case No. 136 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

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