

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21699 of 2025**

Arising Out of PS. Case No.-303 Year-2024 Thana- RAXAUL District- East Champaran

Farmullah Miyan @ Farmullah Ansari Son of Kamaddin Miyan Resident of  
Village- Manana, Ward No. 1, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

ORAL ORDER

3      30-07-2025              Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2.      The petitioner apprehends his arrest in connection  
with Raxaul PS Case No. 303 of 2024 instituted for the offences  
under Sections 20(B)(ii)(c), 23(c), 25 & 29 of the NDPS Act.

3.      Prosecution allegation, in short, is that there is  
recovery of 32.520 Kg charas from the motorcycle bearing  
registration No. BR05AP-7604.

4.      Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. The petitioner has got no criminal antecedent. Learned counsel further submits that nothing incriminating has been recovered from the possession of the petitioner. In fact, recovery of alleged charas was made from the motorcycle, which does not belong to the petitioner. There is no compliance of Sections 42 & 50 of the NDPS Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Regular bail of other co-accused person has been rejected by this Court vide order dated 08-04-2025, passed in Cr. Misc. No. 5511 of 2025.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is *rejected*.

8. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays



for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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