

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31015 of 2025

Arising Out of PS. Case No.-51 Year-2024 Thana- Bhimnagar District- Supaul

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Mohammad Akbar Miyan @ Md. Akbar Miyan @ Akbar son of Kalamuddin
Miyan Village- Bhardah, Ward no. 01, ps- Bhardah, Dist- Saptari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the State : Mr. Shyameshwar Dayal, APP.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 29-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c)/21(b) of the NDPS Act.

3. A perusal of the FIR would go to show that a quantity of
51.890 gms of illicit brown sugar was recovered from beneath
the driver seat under a tool box and the petitioner along with one
other person was apprehended from the said E-rickshaw.

4. Learned counsel for the petitioner submits that no
recovery has been made from the physical and conscious
possession of the petitioner rather the same has been recovered
from beneath the driver seat from a tool box which was not
within the knowledge of the petitioner. It is also submitted that
the petitioner is not the owner of the seized E-rickshaw and has



no concern with the seized contraband. It is further submitted that the samples of the recovered contraband was sent for chemical examination, but till date, the FSL report has not been received. It is next submitted that charge sheet has already been submitted in the present case and the petitioner is in custody since 22.09.2024 with no criminal antecedent. Further, it is also submitted on behalf of the petitioner that the recovered quantity is over small quantity but much less than commercial quantity.

5. Learned APP for the State, however, opposes the prayer for regular bail.

6. Considering the above-mentioned facts and circumstances, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhimnagar P.S. Case No. 51 of 2024, subject to the following conditions that:

(I) One of the bailors will be a family member or a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner and the other will be a local bailor.

(II) The petitioner shall remain physically present in the court on each and every date during trial till the framing of



charges and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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