

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29966 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- NAKARDEI District- East Champaran

Md. Aslam @ Aslam Ali @ Md. Aslam Ali S/o Late Khairati Mian R/o
Village- Sirisiya, P.S.- Nakardehi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Nakardei P.S. Case No.
11 of 2024, instituted for the offences punishable under Sections
317(5) of the Bharatiya Nyaya Sanhita, 2023, read with Section
8(c), 21(b) of the NDPS Act and Section 13 of the F.E.M.A. Act.

3. Prosecution allegation, in short, is that there is
recovery of 102 gram smack like substance as also 10 gram
brown sugar like narcotic substance from the house of co-
accused, namely, Sheikh Karmullah.

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 also submits that the petitioner is not named in the FIR. The petitioner was not present at the place of occurrence. It is next submitted that the alleged place of recovery does not belong to the petitioner. The petitioner has got no concern with the alleged recovery of smack and brown sugar. 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 19.02.2025 and has got twelve criminal antecedents in which he is on bail in seven cases and has been acquitted in one case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 25.02.2025 passed in Cr. Misc. No. 9873 of 2025.

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, the recovered contraband being below the 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 *after framing*



of charge, if not already framed 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 Nakardei P.S. Case No. 11 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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