

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28974 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- Mufassil District- Purnia

Md. Sabir Son of Md. Niyamat Village- Raipur Madhiya, Ward No 9, PS-
Muffasil, District -Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Bidhu Ranjan, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2025 Heard N.K. Agrawal, learned senior counsel for the
petitioner and Mr. Shailendra Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mufassil P.S. Case No. 06 of 2025, F.I.R. dated
05.01.2025 for the offences punishable under Sections 8(c),
21(b) of the NDPS.

3. Recovery is of 700 ml of codein syrup.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the concious possession of the petitioner rather



the recovery has been made from the joint house property of the petitioner. He further submits that the petitioner has no role at all in the present case. He further submits that there is non-compliance of the mandatory provision of Section 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the joint house property of the petitioner which is less than the commercial quantity, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Purnea in connection with Mufassil P.S. Case No. 06 of 2025, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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