

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31047 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- MIRGANJ District- Purnia

Md Sazzo S/o Late Md Bhallar Resident of Vill- Barahkona, P.S.- Mirganj,
P.S.- Mirganj, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. M K Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mirganj P.S. Case No. 13 of 2025, registered for the offences punishable under Sections 20(b)(ii)(B), 25 and 29 of the NDPS Act.

3. The police on a tip off trafficking of narcotics substance apprehended a tempo driver, namely, Uttam Gop. On the disclosure made by the apprehended person, the house of the petitioner was raided from where 5.280 Kg of Ganja like substance and 95,000/- currency notes were recovered.

4. Learned Advocate for the petitioner taking this Court through the FIR and the seizure list has contended that the alleged recovery has been made from a tin shaded house,



situated outside the house of the petitioner and in fact, the petitioner has no concern with the place, in question. The said place is kept abundant and is not in use and hence, the petitioner cannot be held attributable for any recovery from the said place. It is further contended that the petitioner has neither any concern with the co-accused nor with the tempo, in question, but on account of some instigation made by some unscrupulous person, his name has been implicated. Moreover, the petitioner bears fair antecedent and there are various other infirmities in the search and seizure. All the more, the recovered Ganja like substance is below the commercial quantity and, as such, the rigors provided under Section 37 of the NDPS Act is not applicable.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the seizure list clearly demonstrates that the recovery has been made from a tin shaded house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the confession made by the apprehended person and based upon which recovery of narcotics substance, cash amount and some other incriminating materials have been made from the tin shaded house of the petitioner, as



also the stringent provisions provided under the NDPS Act, this Court is not acceded to the prayer for bail of the petitioner; accordingly the application stands rejected.

7. However, if the petitioner surrenders before the Court below, within a period of four weeks, from today, the learned jurisdictional Court shall consider the prayer for bail of the petitioner, without being prejudiced by the order of this Court.

(Harish Kumar, J)

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