

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33098 of 2025**

Arising out of PS. Case No.-68 Year-2024 Thana- BALUA BAZAR District- Supaul

Sajid Anwar S/o Nur Aahmad @ Noor Mohammad R/o Chilmiliya Mahesh-  
patti, Ward No. 07, P.S.- Ghurna Bazar, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                           |   |                                |
|---------------------------|---|--------------------------------|
| For the Petitioner/s      | : | Mr. N.K. Agarwal, Sr. Advocate |
|                           |   | Mr. Arvind Kumar, Advocate     |
| For the Opposite Party/s: |   | Mr. Uday Chand Prasad, APP     |

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

2      27-05-2025                      Heard learned senior counsel for the petitioner and  
learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with NDPS  
Case No. 108 of 2024 arising out of Balua Bazar P.S. Case No.  
68 of 2024 instituted for the offences under Sections 8A(c),  
21(c) and 29 of the NDPS Act. He has one criminal antecedent,  
i.e., Birpur P.S. Case no. 405 of 2023 under Section 21(b) of  
NDPS Act.

3. The prosecution case is to the effect that the police  
personnel while checking the vehicles intercepted one Swift  
Dezire Car which started to flee, however, car lost control and  
met with an accident and fell into a canal. The police appre-  
hended two injured persons who were found inside the vehicle



who disclosed their names as Sajid Anwar (Petitioner) and one Somu Kumar. After following the procedure, the car was searched and four packets of brown sugar were recovered from beneath the seat of the car and when the same was weighed it was found to be 419.8 Grams.

4. Mr. N. K. Agarwal, learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is further submitted by learned senior counsel for the petitioner that no incriminating article was recovered from the conscious physical possession of the petitioner and admittedly the recovery was made from beneath the seat of the car. It is also submitted by learned senior counsel for the petitioner that from perusal of the FIR it is evident that packets which were recovered were dipped into water, hence, the weight as stated in the FIR would vary and, thus, it could not be said with certainty that the seized brown sugar was above the commercial quantity and hence the rigors of Section 37 of NDPS shall not be attracted. It is next submitted by learned senior counsel that the charge-sheet has already been submitted in this case. It is lastly submitted by learned senior counsel that the petitioner carries one criminal antecedent of similar nature and is in custody since 29.11.2024.



5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that 419.8 Grams of brown sugar was recovered from beneath the seat of the car in which the petitioner was riding and the seized quantity is of commercial quantity.

6. Considering the aforesaid submissions of learned counsel as well as undertaking given by the petitioner and taking into account the fact that the recovery was made from beneath the seat of the car in which the petitioner is stated to be a passenger and also the fact that without any FSL Report the charge-sheet has already been submitted in this case and the contraband substance, which was admittedly found to be wet could not be ascertained as commercial quantity and the petitioner being in custody since 29.11.2024, the petitioner above named, is directed to be released on bail upon furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS, Supaul in connection with NDPS Case No. 108 of 2024 arising out of Balua Bazar P.S. Case No. 68 of 2025, subject to the following conditions:-

(i) One of the bailors will be a



close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If any subsequent case of similar nature is lodged against the petitioner, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(v) And further condition that the court below shall verify the criminal antecedent of the petitioner except above-mentioned one case and in case at any stage it is found that the petitioner has concealed his criminal antecedent except above-mentioned one case, 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 or-  
der shall not be delayed for purpose of the same  
or in the name of verification.

**(Sourendra Pandey, J)**

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