

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38560 of 2025

Arising Out of PS. Case No.-648 Year-2023 Thana- ARARIA District- Araria

Md. Yakoob @ Yakub S/o Siddik @ Md. Siddik R/o B-14/96, Gali No. 13,
Top Floor, P.S.- Bhajarapura, District- North-East Delhi, Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Alok Kumar Sinha, Sr. Advocate Mr. Bhola Kumar, Advocate Mr. Ravi Shankar, Advocate
For the Opposite Party/s :	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-07-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Special Case no.53 of 2023 (arising out of Araria (Bairgacchi) P.S. Case no.648 of 2023) registered under sections 8, 20(b)(ii)(c), 25 and 29 of the N.D.P.S. Act.

3. As per the allegation in the FIR, 85.9 kgs of ganja is said to have been recovered from the vehicle wherein the petitioner was also seated.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was dismissed as withdrawn vide order dated 7.3.2024 passed in Cr. Misc. no.77541 of 2023. The petitioner neither has any concern with



the vehicle in question nor with the seized article nor the owner/driver of the vehicle in question. He was merely seated in the car and no incriminating article has been recovered from his possession. Learned counsel submits that no FSL report was filed by the Investigating Officer in the learned Court below and final report/chargesheet was submitted. Thus, it is submitted that the chargesheet itself was incomplete. The petitioner has remained in custody since 28.6.2023 and referring to the order of the learned trial Court, it is submitted that charge has been framed in the learned Court below on 23.3.2024. The petitioner undertakes to cooperate in the trial and abide by any conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner having remained in custody for over 2 years since 28.6.2023, charge having been framed in the learned trial Court and specially the petitioner not having any antecedent under the N.D.P.S. Act, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.53 of 2023 (arising out of Araria (Bairgacchi) P.S. Case no.648 of 2023) on furnishing



bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S.-cum-District and Sessions Judge IV, Araria on the following conditions:

(i) one of the bailors shall be the brother of the petitioner and the other shall be a close relative of the petitioner.

(ii) The petitioner shall remain physically present in Court on each date in the trial Court and shall cooperate in the trial.

(iii) In case of the petitioner's absence on any single date for reasons not to the satisfaction of the learned trial Court or in case of the trial being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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