

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37264 of 2025

Arising Out of PS. Case No.-586 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Md.Ayub, son of Late Mustakim Miyan, Resident of village- Mauna, PS-
Rejepur, District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sahebganj P.S. Case No. 586 of 2024 (NDPS Case No.17/2025), registered for the alleged offences under Sections 317 (5), 318 (4) of BNS, 2023 and Section 8 (c), 21(A) of NDPS Act.

3. As per prosecution case, during checking of vehicles, on suspicion, the motorcycle of the petitioner was intercepted. From the person/possession of the petitioner, recovery of three ATM Cards, SIM Cards and 4.270 grams of smack kept in 10 *puriyas* were made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has no concern with the alleged recovery. Nothing incriminating has been recovered from the person/possession of this petitioner. There is no independent witness to the search and seizure and the prosecution story is based on conjectures and surmises. Even the recovery of smack shown from the petitioner is less than the small quantity and it has come in the FIR itself that the petitioner claimed to have kept the said contraband for his personal consumption. The petitioner is having criminal antecedent of four cases and he is on bail in three such cases. In the present case, the petitioner is in custody since 30.11.2024 and charge sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner appears to be a member of cyber criminal gang and he had been carrying ATM Cards for different persons and this shows his complicity.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that recovery of contraband from the petitioner is less than small quantity and further considering the absence of material to show commission of any cyber crime and also considering the period



of custody of the petitioner and submission of charge sheet, he is directed to 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 learned Exclusive Special Court (NDPS Court No. II), Muzaffarpur, in connection with Sahebganj P.S. Case No. 586 of 2024 (NDPS Case No. 17 of 2025), subject to the conditions mentioned in Section 480 (3) of BNSS and also 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

