

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40570 of 2025

Arising Out of PS. Case No.-17 Year-2025 Thana- MAHUAWA District- East Champaran

Jawahir Mian @ Javahir Ansari S/o- Mohammad Hussain Mian Village-
Vindvasini Ps-Mahuawa District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mahuawa P.S. Case No. 17 of 2025 instituted for the offences under Sections 8, 20(b)(ii)(b), 23(b), 25 and 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered total 3.300 Kilogram Ganja from the dicky of the motorcycle bearing Regd. No. BR05-8026 which was being driven by the co-accused Firoz Alam. The police has also seized Rs. 25,550/- Indian Currency and Rs. 620/- Nepali Currency from him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not arrested on spot and, as such, nothing incriminating has been recovered from his conscious possession. The name of the petitioner has surfaced in this case on the basis of the confessional statement of the apprehended co-accused Firoz Alam. The petitioner has no concern with the seized contraband. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The petitioner has one criminal antecedent and is languishing in judicial custody since 25.03.2025 without any rhymes or reason. Learned counsel for the petitioner further submits that the apprehended co-accused Firoz Alam has already been granted bail by this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 27930 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahuawa P.S. Case No. 17 of 2025.

(Rudra Prakash Mishra, J)

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