

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43056 of 2025

Arising Out of PS. Case No.-91 Year-2025 Thana- BANMANKHI District- Purnia

Md. Habibullah Shek S/O Talab Shekh Resident of Village-Imam Jagir ward
no 1, P.S.- Kalichak, Distt-Malda(West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussain, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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

ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banmankhi P.S. case No. 91 of 2025 instituted for the
offences under Sections 8(c), 21(b), 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 87.59
gram of smack has been recovered from the Tata Tiago NRG
car bearing Regd. No. BR43Z-0735. It is alleged that 25.13
gram of smack along with one Oppo mobile and Rs. 2,480/-
was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case. Petitioner is in custody since 21.03.2025 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was only a passener of the car which was seized by the police and was not aware of the seized contraband being kept in the same. 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.

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, clean antecedent as also the period of custody undergone by the petitioner, 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 Banmankhi P.S.
case No. 91 of 2025.

(Rudra Prakash Mishra, J)

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