

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41665 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- NAKARDEI District- East Champaran

Kadir Hussain S/o Gyasudin Hussain @ Gayasuddin Miyan R/o vill - Sirisiya
Mal, ward no. 2, P.s. - Nakardei, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44515 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- NAKARDEI District- East Champaran

Poonam devi S/o Ganpati yadav Resident of Village - Bawanipur Bazar, P.S.-
Nakardai, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 41665 of 2025)
For the Petitioner/s : Mr.Mohd Rustam Hussain, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP
(In CRIMINAL MISCELLANEOUS No. 44515 of 2025)
For the Petitioner/s : Mr.Prateek Tandon, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 15-09-2025 Since both the petitions arise out of Nakardei P.S.

Case No. 43 of 2025, as such, they have been taken up together

and are being disposed of by this common order.

2. Heard learned counsels for the petitioners and

learned APP for the State.

3. In the present case, the petitioners seek bail in



connection with Nakardei P.S. Case No. 43 of 2025 registered on 19.03.2025 for the alleged offences under Sections 8(c), 21(b) and 29 of the NDPS Act.

4. As per prosecution case, police received secret information about petitioners dealing with narcotic drug and they were apprehended and at their instance, recovery of 240 gram of smack was made.

5. Learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the person or possession of the petitioners. Moreover, alleged recovery of smack has been made from an open place and for this the petitioners could not be fastened with liability. Recovery is shown to be at the instance of the petitioners but it is not believable that recovery was made at the instance of both the petitioners simultaneously. Further, recovery of 240 gram of contraband has been shown which is less than the commercial quantity prescribed under the Government notification which is 250 gram. Petitioners are in custody since 20.03.2025 and charge-sheet has been submitted. Petitioner Kadir Hussain is having antecedent of one case whereas petitioner Poonam Devi



is having clean antecedent.

6. Learned APP appearing on behalf of State opposes the submission made on behalf of the petitioners. Learned APP submits that from the possession of these petitioners just less than commercial quantity of contraband has been seized.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners along and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions-cum-Special Judge, East Champaran, Motihari/concerned court in connection with Nakardei P.S. Case No. 43 of 2025, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners 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
petitioners will be liable to be cancelled by
the court concerned.

(Arun Kumar Jha, J)

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