

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24597 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- NAKARDEI District- East Champaran

1. Jakir Husain @ Mohammad Jakir Husain Son of Late Jal Mohammad Miyan Resident of Village - Sirisiyamal, P.O.- Noneyadih, P.S.- Nakardei, District - East Champaran, Bihar - 845305.
 2. Babloo Kumar @ Bablu Kumar Son of Ramayan Kushwaha @ Ramayan Kumar Resident of Village - Bhawanipur Mauje, P.O.- Bhawanipur Bazar, P.S.- Nakardei, District - East Champaran, Bihar – 845301.
- Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41941 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- NAKARDEI District- East Champaran

Wazir Miyan @ Md. Wajir @ Vajir Miyan @ Wazir S/O Naimuddin Miyan R/O Vill.- Sirisiya Mal, P.s.- Nakardei, Dist.- East Champaran,- 845305.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24597 of 2025)

For the Petitioner/s : Mr.Mohd Rustam Hussain, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 41941 of 2025)

For the Petitioner/s : Mr.Mohd Rustam Hussain, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-08-2025

Cr. Misc. No. 24597 of 2025

Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

2. The petitioners seek bail in connection with NDPS
G.R. Case No. 22 of 2025, arising out of Nakardei P.S. Case No.
24 of 2025 registered for the offence under Section 111 of
Bharatiya Nyay Sanhita (BNS) and Sections 8(C),21(b) and 29 of



the Narcotic Drugs and Psychotropic Substance Act, 1985 (NDPS Act).

3. Both accused/petitioners are named in the F.I.R. and are in custody since 08.02.2025.

4. The allegation against both abovenamed petitioners is to have in possession of 156 grams of brown sugar alongwith other co-accused persons.

5. Learned Counsel appearing on behalf of the petitioners submitted that the petitioner no. 1 apprehended in this case on the basis of disclosure made by petitioner no. 2, who was the pillion rider of the alleged motorcycle, from where 156 grams of brown sugar was said to be recovered. It is submitted that the mandatory provisions regarding sampling, search and seizure (SSS) not appears to be followed in present case. It is pointed out that the recovered quantity is less than commercial quantity, therefore, rigour of Section 37 of NDPS Act not appears applicable in present case. While concluding the argument, it is submitted that the investigation of this case is already completed, for which charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner no. 1 was found involved in three more criminal cases, where he is on bail and petitioner no. 2 is a man of clean



antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid facts and circumstances and by taking note of the fact as recovery of alleged brown sugar *prima facie* not appears to be recovered from the conscious physical possession of petitioners, where recovered quantity is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioners remains in custody since 13.05.2025 accordingly, both abovenamed petitioners, are directed to be released on bail in connection with NDPS G.R. Case No. 22 of 2025, arising out of Nakardei P.S. Case No. 24 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions-cum-Special Judge, East Champaran at Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

Cr. Misc. No. 41941 of 2025

1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with NDPS G.R. Case No. 22 of 2025, arising out of Nakardei P.S. Case No. 24 of 2025 registered for the offence under Section 111 of



Bharatiya Nyay Sanhita (BNS) and Sections 8(C),21(b) and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (NDPS Act).

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.05.2025.

4. The allegation against the petitioner is to have in possession of 156 grams of brown sugar alongwith other co-accused persons.

5. Learned Counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely out of disclosure made by apprehended co-accused, namely, Jakir Hussain. It is submitted that nothing incriminating recovered from the possession of this petitioner and, moreover, with similar allegation co-accused, Chhatu Sah and Ilyas Miyan were granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 33971 of 2025 dated 22.05.2025 and Cr. Misc. No. 35972 of 2025 dated 20.06.2025 respectively. It is submitted that as recovered quantity is less than commercial quantity, therefore, the rigour of Section 37 NDPS Act not appears applicable in present case. Petitioner claimed clean antecedent

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid facts and circumstances



and by taking note of the fact as save and except suspicion arising out of confessional statement of apprehended co-accused, namely, Jakir Hussain, nothing incriminating appears against this petitioner, coupled with the fact that with similar allegation the co-accused persons were granted anticipatory bail by this Hon'ble Court as discussed aforesaid, where petitioner remains in custody since 13.05.2025 accordingly, petitioner above named, is directed to be released on bail in connection with NDPS G.R. Case No. 22 of 2025, arising out of Nakardei P.S. Case No. 24 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions-cum-Special Judge, East Champaran at Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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