

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44340 of 2025**

Arising Out of PS. Case No.-385 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Md. Masum Shekh @ Md. Masum Sekh @ Md. Masoom S/o Md. Badruddin
@ Mohammad Badaruddin Resident of Mohalla- Driver Tola, P.S.- Katihar
(Town), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

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

2. The petitioner is in custody in connection with Katihar
P.S Case No. 385 of 2025 registered for the offences punishable
under Sections 8(c), 21(b), 22(b), 29 of the NDPS Act

3. As per allegation in the FIR, petitioner was indulged in
sale and purchase of smack and altogether from five accused persons,
21.93 Gms of smack was recovered.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next submits
that petitioner was not apprehended from the spot though his name
has been figured from the confessional statement of the co-accused
namely Rakesh Kumar Sahni @ Pale Sahni. He further submits that
nothing has been recovered from the possession of the petitioner. It is
also submitted that petitioner is in judicial custody since 24.04.2025



having two criminal antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order dated 11.06.2025, it appears that nothing has been recovered from the possession of the petitioner and his name has been surfaced from the confessional statement of the co-accused namely Rakesh Kumar Sahni @ Pale Sahni. Moreover, petitioner was not apprehended from spot and also considering the submissions made on behalf of the learned counsel for the petitioner, let the above named 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 learned Sessions Judge, Katihar in connection with Katihar Town P.S. No. No. 385 of 2025 subject to the condition that petitioner will cooperate in the trial and remain physically present on each and every date fixed by the Trial Court till the conclusion of the Trial.

(Ramesh Chand Malviya, J)

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