

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44010 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- PURNEA SADAR District- Purnia

Md. Akil @ Akil Son of Md. Mainuddin R/O Vill- Saura Jabar, P.S.- Dagarua,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with N.D.P.S. Case No. 130 of 2025 (arising out of Sadar
P.S. Case No. 120 of 2025) registered for the offences under
Sections 8(C)/21(b) of the Narcotic Drugs and Psychotropic
Substances Act (in short the “N.D.P.S. Act”).

3. The accused/petitioner is named in the First
Information Report and is in custody since 21.03.2025.

4. Allegation against the petitioner is to have in
possession of 175 grams of smack like substance along with
other co-accused person namely, Md. Alam.



5. It is submitted by learned counsel appearing on behalf of the petitioner that name of this petitioner transpired only on the basis of disclosure made by apprehended co-accused Md. Alam, in furtherance of which, no incriminating material recovered/surfaced as to connect the petitioner with the present crime in question.

6. It is submitted that co-accused Md. Alam has already been granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 39297/2025 dated 03.09.2025. It is submitted that recovered quantity is less than commercial quantity as in the case of smack, same is 250 grams and, therefore, import of section 37 of the N.D.P.S. Act is not applicable in the present case.

7. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and as such, there is no chance of tampering with the evidence. Petitioner claims to be a man of clean antecedent.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



9. In view of aforesaid factual submission and by taking note of the fact as recovered quantity of contraband is less than commercial quantity coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 21.03.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd District & Additional Sessions Judge-cum-Special Judge (NDPS), Purnea in connection with Special (NDPS) Case No. 130 of 2025 arising out of Sadar P.S. Case No. 120 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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