

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43725 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- BIRPUR District- Supaul

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Allauddin S/o Amir Hajma @ Aamir Hajma R/o Village- Tinkhambha, P.S.-
Basmatiya, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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

ORAL ORDER

2 23-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 11 of 2025, arising out of Birpur PS case No. 40 of
2025 instituted for the offences under Sections 8, 20(b)(ii)(B) &
29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 3.500 Kg of ganja from the possession of the
petitioner during patrolling conducted by the police party.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case and
cognizance is also taken by the Court below. No incriminating



material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 07-02-2025 and has got no criminal antecedent. 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, recovery below commercial quantity and 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 NDPS Case No. 11 of 2025, arising out of Birpur PS case No. 40 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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