

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47792 of 2025

Arising Out of PS. Case No.-1162 Year-2023 Thana- ARARIA District- Araria

Md. Nasim @ Md. Nasimuddin @ Nasim, Son of Md. Kasim, R/O Village-Istama Tola Rahika Basti, P.S.- Araria, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Dipti Divya, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-09-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Araria P.S. Case No. 1162 of 2023 dated 05.12.2023 registered for the offences punishable under Sections 21(b), 8 and 20(b)(ii)(B) of the N.D.P.S. Act.

3. As per the prosecution case, police reached at the door of the co-accused Md. Jasim and Md. Nasim (petitioner) and apprehended two persons, namely, Md. Jasim and Ravi Kant Paswan, and recovered brown sugar from the pant's pocket of the co-accused Md. Jasim and from the pocket of the co-accused Ravikant Paswan, a small quantity of smack was recovered. It is further alleged that smack was also recovered



from the co-accused Md. Hasibur Rahman. The co-accused Md. Jasim disclosed that his brother Md. Nasim (petitioner) was also involved in the illegal business of contraband. He also disclosed that he used to purchase the smack from the co-accused Ravi Mallick. It is further alleged that 99 Grams of smack was recovered from the co-accused Md. Jasim and 2 kgs 962 grams of Ganja was recovered which was kept there and total Rs. 6,40,500/- cash was also recovered which was kept on the Chowki. He further disclosed that the co-accused Pappu Yadav @ Pelu is also involved in the business of illegal contraband.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that no incriminating article has been recovered from the possession of the petitioner. The name of the petitioner has come in the present case on the basis of the confessional statement of the apprehended co-accused person, namely, Md. Jasim, who is the brother of the petitioner and who has stated before the police that Md. Nasim (petitioner) is also involved in the illegal business of contraband. The petitioner had no knowledge about the alleged offence. It is further submitted that the other co-accused, person, Md. Jasim @ Jasim, against whom the allegation of recovery of contraband



article has been alleged has already been granted bail by the another Co-ordinate Bench of this Court in Cr. Misc. No. 346 of 2025 vide order dated 10.01.2025 annexed as Annexure-2 to the present bail application in terms of liberty granted to him to renew his prayer for bail after framing of charge by an order dated 04.10.2024 and as per the submission of his learned counsel, charge against him has been framed on 07.09.2024. There is no statutory compliance of Section 50 of the N.D.P.S. Act. It is further submitted that due to past criminal antecedent of the petitioner, the police has falsely implicated the petitioner in the present case. The petitioner has three criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 11.04.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal District and Sessions Judge, Araria in connection with Araria



P.S. Case No. 1162 of 2023 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

