

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45806 of 2025

Arising Out of PS. Case No.-246 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Mojibur Sheikh @ Mojiban Sekh S/o Late Noor Sheikh R/o Vill- Sukaru
Kutti, P.S.- Dinhata, Distt- Cooch Bihar (West Bengal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 15-11-2025 Heard Mr. Ram Prawesh Kumar, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with Kochadhaman P.S. Case No. 246 of 2020 for the offence punishable under sections 8, 20(b)(ii)(B), 22, 23, 29 of the NDPS Act lodged on 07.10.2020.

3. As per the prosecution story, the Police along with the help of BSF Officers were checking the vehicle during the 2020 Assembly Election when a person was intercepted and from the bag, there is recovery/seizure of 8.560 kg *ganja*, he was Anraul who stated that the bag was to be delivered to the petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from Anraul, he had no role to play, had no



knowledge about the present FIR which delayed coming to the Court/surrender. Only after he was arrested on 10.06.2025 that he came to know about his implication.

5. Learned APP opposes the prayer for bail submitting that the person apprehended with the ganja has named him.

6. Taking into account the submissions of the parties as also that the recovery/seizure quantity is below the commercial one, nothing has been recovered from the conscious possession of the petitioner which has been recovered from Anraul, has no criminal antecedent, is in custody since 10.06.2025, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Court (NDPS Act), Kishanganj in connection with Kochadhaman P.S. Case No. 246 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

