

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50586 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- Mufassil District- Purnia

Mahtab Alam S/O Md. Quaisar Alam @ Keshar Alam Resident of Rupaili,
P.S- Araria R.S, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

2 06-08-2025 Heard Mr. Md Fazle Karim, learned counsel for the
petitioner and Ms. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with
Mufassil PS Case No. 129 of 2025 instituted for the offences
under Sections 8(c), 21(b), 25 & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 213 grams smack, wherein petitioner was found
sitting in the car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner further submits that petitioner was merely



passenger in the vehicle and he was not aware about the illicit contraband being kept in the vehicle. 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 27-05-2025 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.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mufassil PS Case No. 129 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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