

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48709 of 2025

Arising Out of PS. Case No.-100 Year-2023 Thana- PURUSHOTTAMPUR District- West
Champanan

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Mosaheb Hussain S/o Mustak Ahamad R/o Village- Paroraha, P.S.- Sathi,
District- West Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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

ORAL ORDER

2 04-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Purushottampur P.S. case No. 100 of 2023 instituted for the
offences under Sections 20(b)(ii)(B), 22, 23 and 24 of the
N.D.P.S. Act.

3. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected by a Co-
ordinate Bench of this Court vide order dated 18.01.2025 passed
in Cr. Misc. No. 56426 of 2024.

4. As per prosecution case, the police has recovered
total 4.5 Kg. Ganja from the motorcycle bearing Regd. No.
BR22-BE-1333.



5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is in custody since 26.04.2025 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel for the petitioner submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was not arrested from the place of occurrence. He further submits that the petitioner has been implicated in this case only on account of his being the registered owner of the alleged motorcycle. As a matter of fact, the co-accused Khursheed Alam had taken the motorcycle from the father of the petitioner due to some personal emergency. The petitioner has no concern with the alleged contraband recovered by the Informant from the possession of the co-accused Khursheed Alam. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody



undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Purushottampur P.S. case No. 100 of 2023.

(Rudra Prakash Mishra, J)

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