

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51966 of 2025

Arising Out of PS. Case No.-862 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Mahboob Alam @ Lal Khan S/o Late Sk. Israil @ Israil Master Resident of
Village- Sharifganj, P.S.- Sahayak (Katihar), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Katihar Town (Sahayak) P.S. Case No. 862 of 2024 registered for the offence under Sections 21(b) and 25 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 18.11.2024.

4. As per FIR, upon raid cough syrup, prohibited tablets alleged to be recovered from the house of this petitioner. The main constituent of cough syrup was “codeine”.

5. Learned counsel appearing on behalf of the petitioner submitted that admittedly petitioner was not apprehended on spot, rather he was arrested in this case subsequently. It is pointed out that the house in issue was just a tin shed constructed on piece of land belongs to this petitioner as mark his possession over there



and as it was accessible by general public, some unknown miscreants misused the alleged house as to implicate this petitioner falsely. It is submitted that petitioner himself a victim of circumstances. It is also pointed out that seizure list witnesses are not independent and also compliance of Section 103(4) of the BNSS regarding search of premises not appears followed in the present case. While concluding the argument, it is submitted that petitioner found involved in five more criminal cases where he is in on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as recovery of seized cough syrup and prohibited tablets prima-facie not appears to made from the conscious physical possession of this petitioner, coupled with fact as investigation of this case already completed where petitioner remains in custody since 18.11.2024, accordingly petitioner above named, is directed to be released on bail in connection with Katihar Town (Sahayak) P.S. Case No. 862 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District



Additional Sessions Judge-Vth, Katihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS with further conditions :-

- (i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bold of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.
- (iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

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(Chandra Shekhar Jha, J.)

