

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54382 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- NAKARDEI District- East Champaran

Shekh Shamsad @ Shamshad S/o Late Shekh Samiullah R/o vill- Bhawanipur
Bazar, P.S- Nakardei, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate Mr. Anuj Kumar, Advocate Mr. Aditya Pandey, Advocate Ms. Eashita Raj, Advocate Ms. Sakshi Bhatnagar, Advocate Mr. Aditya Raj Singh, Advocate Mr. Shreyanshu Kumar, Advocate Ms. Ginni Priya, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Nakardei
P.S. Case No. 24/2025, registered for the offence under Section
111 of BNS and Sections 8(c), 21(b), 29 of NDPS Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 12.03.2025.

4. The allegation against the petitioner is to have in
possession of 155 grams of brown sugar alongwith other co-
accused persons.

5. Learned Counsel appearing on behalf of the petitioner



submitted that as per case of prosecution, the contraband as alleged was recovered from the possession of Babloo and Jakir, who during their confession stated that they purchased the contraband from co-accused Tribhuvan. It is submitted that out of confessional statement of said co-accused Tribhuvan, the name of this petitioner transpired as he stated that he purchased the contraband from this petitioner and one Jakir Hussain. It is pointed out by Mr. Ansul that no contraband as alleged was recovered from physical possession of this petitioner, therefore it can be said safely that he was not under culpable mental state *qua* possession of contraband in view of Section 35 of NDPS Act. In this context, it is submitted that as the quantity recovered is less than commercial quantity, therefore, the rigours of Section 37 of NDPS Act is not appears applicable in present case. While concluding argument, it is submitted that the co-accused, namely, Babloo has already granted bail by this Hon'ble Court through Cr. Misc. No. 24597 of 2025 dated 07.08.2025. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of quantity of alleged contraband which is less than commercial quantity, coupled with the fact that investigation of this case is already completed, where it appears that recovery of



contraband was prima facie not made from physical possession of this petitioner, who remains in custody since 12.03.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Nakardei P.S. Case No. 24/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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