

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57993 of 2025

Arising Out of PS. Case No.-154 Year-2025 Thana- Mufassil District- Purnia

=====

Mahfuj Alam @ Md. Mahfooz S/o Md. Sameer Resident of Villager- Telniya
Rahika, PS- Dagarua, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Md. Fazle Karim, Advocate
For the State : Mr. Yogendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution story, the informant alleged that he received a secret information that a person is carrying a large consignment of smack brown sugar from Bengal and selling it locally. Thereafter, in the east of N.H.-31, he found a person alighting from the bus with a pink bag. He was taken into custody and recovery of 104 gm of brown sugar and Rs.3,00,000/- cash was made. He was Samil Sekh and upon interrogation, he disclosed that he sold the smack/brown sugar



to Md. Sartaraz, Md. Mahfooz (petitioner) and Md. Mubarak. This led to lodging of the present F.I.R..

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Petitioner has no concern with the alleged accused person, namely Samil Sekh, and nor at any point of time, he bought brown sugar. No incriminating article has been recovered from possession of this petitioner and he has falsely been implicated in this case merely on the basis of confessional statement of co-accused persons. It is further submitted that the material recovered/seized is below the commercial quantity and if granted relief, petitioner shall be diligently appearing in the trial. Similarly situated co-accused person, namely Md. Mubarak, has already been granted the privilege of anticipatory bail by a Co-ordinate Bench this Hon'ble Court vide order dated 27.08.2025 passed in Cr. Misc. No. 57102 of 2025. Petitioner claims clean antecedents.

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

6. Considering the facts and circumstances of the case, nature of accusation, claim based on parity and clean



antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (N.D.P.S. Act), Purnea in connection with Mufassil P.S. Case No. 154 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S. along with following conditions:-

- (i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show is *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 next one year to mark attendance;
- (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 the bail
bonds.

(Prabhat Kumar Singh, J)

shashank/-

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

