

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57102 of 2025

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

Md. Mubarak S/O Ibrahim Resident of Village- Telniya Rahika, P.S.-
Dagarua, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Mufassil P.S. Case No. 154 of 2025 for the offence registered under Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic Substance Act lodged on 20.06.2025 by the informant Uttam Kumar.

3. As per the prosecution story, the informant alleged that upon secret information that a person is carrying a large consignment of smack brown sugar from Bengal and selling it locally. In the east of NH-31, found a person alighting from the bus with a pink bag. He was taken into custody and there is recovery/seizure of 104 gm of brown sugar and Rs.3,00,000/- cash. He was Samil Sekh and upon interrogation, he disclosed that he sold the smack/brown sugar to Md. Sartaraz, Md. Mahfooz and Md. Mubarak (the petitioner). This led to the FIR.



4. Learned counsel for the petitioner submits that he has absolutely no criminal antecedent, has no concern with the alleged accused person, Samil Sekh nor at any point of time, he bought brown sugar. Further, the material recovered/seized is below the commercial quantity, if granted relief, he shall be diligently appearing in the trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail and submits that his name has cropped-up from the confessional statement of the person carrying the brown sugar.

6. Considering the submission of the parties as also the fact that this petitioner has no criminal antecedent nor anything has been recovered from his conscious possession, the recovered/seized article is below than the commercial quantity, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of **Rs. 25,000/- (twenty five thousand)** with two sureties of the like amount each to the satisfaction of the learned Special Judge, (NDPS Act), Purnea in connection with Mufassil P.S. Case No. 154 of 2025 subject to condition as laid down under Section 438



(2) of the Cr.P.C.

(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.

(Rajiv Roy, J)

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