

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54038 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- RAMGARHWA District- East
Champaran

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Hasmuddin Ansari @ Hasmuddin Miyan S/o Late Ibrahim Mian Resident of
Village- Nakardei, Nanhaki Tola, P.S.- Nakardei, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No. 130 of 2025, instituted for the
offences punishable under Sections 8, 18, 21(c), 22(c) and 29 of
the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 600 gram smack from the shop of co-accused
person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that the petitioner has got no concern with the alleged recovery of smack. The alleged recovery has been made from the shop of co-accused, namely, Ashrafi Sah and not from the conscious possession of the petitioner. The petitioner is in custody since 04.05.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner being party to the criminal conspiracy as also the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act and the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act and the petitioner being party to the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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