

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60794 of 2025

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

Ali Ahmad @ Munna, S/o Tahir Miya @ Tahir Hussain @ Tahir Miyan, R/o Village-Sirisiyamal, P.O. - Noniyadih, P.S. - Nakardei, Dist.- East Champaran, Bihar-845305.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mohd. Rustam Hussain, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-10-2025 Heard learned counsel for the petitioner and learned
APP appearing for the State.

2. The accused/petitioner seeks bail in connection with NDPS G.R. Case No.22 of 2025 arising out of Nakardei P.S. Case No.24 of 2025 registered under Sections 111 of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 8(c), 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act').

3. The accused/petitioner named in this FIR and is in custody since 13.06.2025.

4. As per FIR, on secret information, the police apprehended two persons travelling on motorcycle and upon search, 156 gms. of brown sugar was recovered from the



possession of one of the co-accused namely, Bablu Kumar, who disclosed the name of this petitioner Jakir Hussain to work as a liner, who upon arrest, named this petitioner.

5. It is submitted by learned counsel appearing for petitioner that nothing has been recovered from the physical possession of this petitioner and his name transpired on the basis of confessional statement of co-accused. It is submitted that nothing appeared from record, which may suggest that seized material was brown sugar, as no FSL report was available on record. It is submitted that co-accused Bablu Kumar from whom, recovery was made was granted bail by this Court. In this context, it is submitted that co-accused Chhathu Sah has already granted bail by this Court through Cr. Misc. No.33971 of 2025 dated 22.05.2025.

6. Arguing further, it is submitted that investigation of this has already concluded on all material aspects and, therefore, sending this petitioner behind the bar in view of aforesaid factual submissions would not serve any further purpose of justice. It is submitted that the charge-sheet as submitted after investigation was incomplete without



obtaining FSL report ascertaining whether the seized material was brown sugar or not. It is submitted that the charge-sheet was submitted only to defeat the legal right of petitioner *qua* default bail as provisioned under Section 167 of the Code of Criminal Procedure (in short 'CrPC')/under Section 187 of the Bhartiya Nagrik Suraksha Sanhita (in short 'BNSS'). It is submitted that in view of **Divyas Bardewa vs. NCB [Special Leave to Appeal (Crl.) No. 11628 of 2022]**, the petitioner deserves bail on this ground alone.

7. Explaining criminal antecedent, it is submitted that the petitioner found involved in two more criminal cases. It is pointed out that merely on the basis of criminal antecedent, the bail of petitioner ordinarily should not be denied and in support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**.

8. Learned APP for the State has opposed the prayer of bail. However, he could not disputed the aforesaid legal and factual submissions as advanced by learned counsel



for the petitioner.

9. In view of aforesaid factual submissions and by taking note of fact as the alleged contraband not appears to be recovered from the physical possession of this petitioner, whose name transpired during the course of investigation, coupled with the fact that on all material aspects, the investigation of this case has already concluded, where petitioner remains in custody since 13.06.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Session-cum-Special Judge, East Champaran at Motihari in connection with NDPS G.R. Case No.22 of 2025 arising out of Nakardei P.S. Case No.24 of 2025, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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