

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65584 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- Marnga District- Purnia

Abdul Basit S/O Md. Nazamuddin @ Nazamuddin Resident Of Village-
Mahsel Gitwas, P.S- Bausi, District- Araria, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-11-2025 Heard learned counsel appearing for the petitioner
and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Maranga P.S. Case No. 181 of 2025 registered for the offence
under Sections 8(c), 21(b), 25, 29 of the N.D.P.S. Act.

3. The petitioner is named in the F.I.R. and is in
custody since 18.07.2025.

4. The allegation against the petitioner is to have in
possession of 102 grams smack/brown sugar while traveling
with other co-accused persons.

5. Learned counsel appearing on behalf of the
petitioner submitted that the recovery as alleged not appears
to be made from the conscious physical possession of the



petitioner as the alleged car was jointly occupied by other co-accused persons. It is also submitted that mandatory provisions regarding search, sealing and seizure (SSS) also not appears followed. It is submitted that as recovered quantity is less than commercial quantity, therefore, rigors of Section 37 of NDPS Act not applicable in present case. It is further submitted that in view of the incomplete charge-sheet the petitioner deserves bail as the matter is pending before the Hon'ble Supreme Court for larger consideration in the matter of **Divyas Bardewa Vs. Narcotics Control Board** reported in **2023 SCC OnLine SC 742**.

6. Explaining the criminal antecedents of the petitioner, it is submitted that petitioner found involved in one more criminal case, where he is on bail. It is submitted that if the merit of this case otherwise available against the petitioner merely on the ground of criminal antecedents, the prayer of bail should not be declined. In support of his submission, learned counsel relied upon the judgment of the Hon'ble Supreme Court in the case of **Prabhakar Tewari vs. State of Uttar Pradesh and Anr.** reported in **(2020) 11**



SCC 648.

7. Learned A.P.P. for the State opposes the prayer of bail of the petitioner.

8. In view of aforesaid factual submissions and by taking note of the fact as the charge-sheet in this matter appears submitted incomplete, where alleged recovery is less than the commercial quantity, coupled with the fact that petitioner remains in custody since 18.07.2025, accordingly petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties each of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge, Purnea, in connection with Special (NDPS) Case No. 198 of 2025 arising out of Maranga P.S. Case No. 181/2025, 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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