

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63820 of 2025**

Arising Out of PS. Case No.-129 Year-2024 Thana- RAIL HAJIPUR District- Vaishali

Idrish Ali Son of Mafed Ali Resident of village - Pora Bitra, P.S.- Fakir Ganj,  
District - Ghobari, State - Assam.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Adv.  
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

2      03-09-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Hajipur  
Rail P.S. Case No. 129 of 2024, instituted for the offences  
punishable under Sections 8, 20(B)(ii), 20(c) and 22(c) of the  
N.D.P.S. Act.

3. Prosecution allegation, in short, is that there is  
recovery of total 90.857 Kg of *Ganja* from the possession of co-  
accused persons including the petitioner. It is alleged that the  
petitioner fled away from the place of occurrence after leaving  
the bag from which 17.181 Kgs. *Ganja* was recovered by the  
police.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case merely on the basis of suspicion. The petitioner was neither arrested on the spot nor anything incriminating has been recovered from his conscious possession. The name of the petitioner has transpired in this case on the basis of the disclosures made by the apprehended co-accused persons. He further submits that the alleged recovery of 17.181 Kgs. of Ganja from the bag thrown by the petitioner is below the commercial quantity and a separate seizure list was prepared for the said recovery. The petitioner has no concern with the alleged recovered bags containing Ganja. Petitioner is in custody since 05.10.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is also no compliance of Sections 42 and 50 of the N.D.P.S. Act. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He further submits that the prayer for bail of the co-accused Lakhindra Sahni has already been rejected by this Court vide order dated 22.07.2025 passed in Cr. Misc. No. 44817 of 2025.



6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hajipur Rail P.S. Case No. 129 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

**(Rudra Prakash Mishra, J)**

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