

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68857 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- KARJAIN District- Supaul

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Firoj Alam @ Md. Firoj Alam S/o Late Akbar Miya R/o Village- Sisuva Ward
No. 5, P.S.- Harinagar, District- Inrava, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Singh, Adv.

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

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

ORAL ORDER

2 25-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Karjain
P.S. case No. 36 of 2025 instituted for the offences under
Sections 8/20(b)(ii)(c)/29 of the N.D.P.S. Act.

3. As per prosecution case, the petitioner was caught
red-handed while he along with co-accused Sahdab Ansari was
carrying total 24 Kgs. of Ganja in their bags.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is Nepali citizen. Petitioner is in
custody since 22.03.2025 and has no criminal antecedent. There
is no allegation of tampering of witnesses alleged against the



petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that the petitioner is a cancer patient and presently he is undergoing Chemotherapy. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. 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. Learned APP submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

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, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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