

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66180 of 2025

Arising Out of PS. Case No.-213 Year-2025 Thana- MIRGANJ District- Gopalganj

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Raza Hussain @ Raja Hussain S/o Late Aalim Miya R/o Village - Barari
Jagdish, P.S - Uchhkagaon, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.

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

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

ORAL ORDER

2 12-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Mirganj P.S. Case No. 213 of 2025 instituted for the offence
under Sections 8(c) & 21(b) of the NDPS Act.

3. On 29.04.2025, during vehicle checking near B.K.
Tiles, six persons including the petitioner were apprehended
with 10.400 grams of smack like substance in 23 sachet from
their joint possession. Two motorcycles were also seized, and
the petitioner admitted procuring the smack from a person
named Golu of Siwan.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 01-05-2025. Petitioner



bears one criminal antecedent in which he is on bail, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely 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 alleged seized motorcycle does not belong to the petitioner. The petitioner has also no concern with the recovered contraband. It is further submitted that two (2) packets smack like substance weighing 0.45 grams each, was allegedly recovered from each of the accused persons including the petitioner. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. He further submits that the co-accused have already been granted bail by this Court vide order dated 22.07.2025 passed in Cr. Misc. No. 44789 of 2025. Co-accused Mojibut Rahman has also been granted bail by a Co-ordinate Bench of this Court vide order dated 30.07.2025 passed in Cr. Misc. No. 48465 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and recovery below commercial quantity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail 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 Mirganj P.S. Case No. 213 of 2025.

(Rudra Prakash Mishra, J)

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