

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67026 of 2025

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

Abdul Mutalib Son of Amrul Haq @ Amrul Hoque Resident of village -
Kothalgiri, P.S.- Chhapar, District - Dhobahi, State - Assam.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abbhishek Kumar, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 19-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rail
Hajipur 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 joint possession
of the co-accused persons including the petitioner. It is alleged
that the police has recovered total 23.601 Kg. Ganja and one
mobile from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner is in



custody since 05.10.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. He further submits that the co-accused Idrish Ali has already been granted bail by this Court vide order dated 03.09.2025 passed in Cr. Misc. No. 63820 of 2025.

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 quantity of the recovered contraband is above the commercial quantity and, hence, there is bar under Section 37 of the N.D.P.S. Act and the petitioner does not deserve the privilege of bail.

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 with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

