

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74322 of 2024**

Arising Out of PS. Case No.-108 Year-2024 Thana- TATARPUR District- Bhagalpur

Md. Dilshad Khan @ Md. Dilshad, Son of Late Md. Harun Khan, R/O  
Mohalla- Sahadat Hussain Lane, Tatarpur, P.S.- Tatarpur, Dist.- Bhagalpur.  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md.Najmul Hodda, Advocate  
For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

4      18-01-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with  
Tatarpur P.S. Case No. 108 of 2024 dated 03.07.2024, instituted  
for the offence punishable under Sections 20, 22 of N.D.P.S.  
Act.

3. The allegation is of recovery of total 149.68 gram  
brown-sugar like substances from the house of the petitioner.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in this  
case. Learned counsel for the petitioner submits that the seized  
materials was recovered from the joint house of the petitioner  
which belongs to joint family of the petitioner and others. It is  
submitted that there is no independent witness of the seizure list.



All the witnesses are police personnel, which creates doubts regarding the genuineness of the case. Learned counsel for the petitioner further submits that till date, no F.S.L. report of the seized materials has been submitted by the prosecution. Lastly, it has been submitted that the petitioner is in custody since 04.07.2024 having two criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner stating that the said incriminating material has been seized from the house of the petitioner. The recovered brown-sugar like substances 149.68 gram is much more than the small quantity as per the schedule of Narcotic Drugs and Psychotropic Substances Act, 1985. It is vehemently submitted that the petitioner has also a case of similar nature bearing Tatarpur P.S. Case No. 158 of 2021 registered for the offence punishable under Section 20, 22 of the N.D.P.S. Act.

6. Considering the nature of the case and previous criminal history of the petitioner, I am not inclined to grant bail to him at this stage.

7. Accordingly, the prayer for regular bail on behalf of the petitioner stands rejected.

8. Learned trial court is directed to expedite the trial



and take all endeavour to conclude the trial at the earliest,  
preferably, within a period of one (01) year from today.

**(Khatim Reza, J)**

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