

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73026 of 2025

Arising Out of PS. Case No.-380 Year-2025 Thana- PURNEA SADAR District- Purnia

Md. Tousif S/o Masleuddin Khan @ Md. Masleshuddin Resident of
Madhopara, P.S.- Sadar Purnea, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

ORAL ORDER

2 14-10-2025 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Sadar P.S.
Case No. 380 of 2025, instituted for the offences punishable
under Sections 317(5) of the Bharatiya Nyaya Sanhita, 2023,
read with Sections 8, 17(a), 18(a), 8(c) and 21(b) of the NDPS
Act.

3. Prosecution allegation, in short, is that there is recovery
of 12 gram brown sugar from the possession of the petitioner.

4. Learned senior 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. Learned counsel for



the petitioner further submits that the petitioner has got no concern with the alleged recovery of contraband. 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. The petitioner is in custody since 27.07.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court vide order dated 15-09-2025, passed in Cr. Misc. No. 65308 of 2025.

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

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and 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 on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar P.S. Case No. 380 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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