

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77100 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- JOGBANI District- Araria

Md. Kursed @ Khursid S/o Nizam @ Md. Nazam R/o vill - Amauna, ward
no. 20, P.s.- Jogbani, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

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

ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Jogbani PS Case No. 151 of 2024 instituted for the offences
under Sections 21 & 22 of the NDPS Act. Earlier vide order
dated 21.10.2024, passed in Cr. Misc. no. 70412 of 2024,
anticipatory bail of the petitioner was rejected by a Co-ordinate
Bench of this Court.

3. Prosecution allegation, in short, is that there is
recovery of 16 liters of codeine syrup along with money from
the conscious possession of co-accused, namely, Md. Mukaram.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner, which is evident from bare perusal of the FIR. Learned counsel for the petitioner further submits petitioner has no concern with the recovered contraband. The petitioner is in custody since 16.09.2025 and has got two criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner mainly submits that the accused from whose possession recovery was made has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 21.01.2025, passed in Cr. Misc. No. 65047 of 2024.

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, claim based on parity 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, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court



in connection with Jogbani PS Case No. 151 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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