

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79807 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- RAUTARA District- Katihar

Wasim Alam @ Md. Wasim @ Oyashim Alam S/o- Jahoor Ali @ Johar Ali
Resident of village- Imam Jagir, Dashin Raiupur PS- Kalichak Distt- Malda
WB

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Musowir, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, A.P.P.

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

ORAL ORDER

2 01-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Rautara P.S. Case No.
88 of 2025, instituted for the offences under Sections 8(c),
21(c), 22(c) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that total 14
sachet of 01.424 Kg of smack (Brown sugar) has been
recovered in this case. Out of which 411.27 grams of smack has
been recovered 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. The petitioner is in custody since 11.06.2025 and
has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Learned



counsel further submits petitioner along with other three persons have been arrested on the spot.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

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.

(Rudra Prakash Mishra, J)

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