

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81140 of 2025

Arising Out of PS. Case No.-445 Year-2015 Thana- MOTIHARI TOWN District- East
Champaran

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Hatim Khan @ Md. Hatim Khan S/O Late Wasir Khan @ Late Wasir Ahmad
Khan R/O Vill.- Bathna, P.S.- Bijdhari, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-12-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Motihari Town P.S. Case No. 445 of 2015 registered for the
offence punishable under Section 120(B) of Indian Penal Code
and Sections 20 and 22 of the NDPS Act.

3. As per the allegation made in the FIR, 1 kg
marijuana was recovered from the dickey of a motorcycle
bearing Reg. No. BR22E4163, which was parked near a tea
stall.

4. Mr. Nafisuzzoha, learned counsel appearing on
behalf of the petitioner submits that the petitioner is innocent
and he has been falsely implicated in the case. Petitioner is a



public figure and he was in court campus in connection with consultation with his counsel in respect of his wife, who was appointed on the post of teacher. The informer of the case namely Md. Akhtar was in inimical terms with the petitioner and he, along with police officer, managed to show recovery of 1 kg marijuana from the dickey of the motorcycle bearing Reg. No. BR22E4163 belonging to the petitioner. The petitioner was not apprehended nor the said 1 kg marijuana was recovered from the conscious possession of the petitioner. Learned counsel submitted that at the time of the seizure the petitioner was not present on the spot and as such, Section 37 of the NDPS is not attracted in the present case. Learned counsel further submitted the case was registered in the year 2015 and the petitioner was under the impression that no case was lodged against him and there is no question of his being apprehended but warrant was issued against him by the concerned District Court. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having considered the nature of allegation made in the FIR, the alleged recovery was made from



the dickey of the motorcycle belonging to the petitioner but at the time of the seizure the petitioner was not present on the spot and as such, procedure prescribed under Section 37 of the NDPS is not attracted, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending/successor court in connection with Motihari Town P.S. Case No. 445 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C./482 of the BNSS.

7. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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