

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86764 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- DIGHALBANK District- Kishanganj

Shahnawaz Shah S/o- Kalimuddin Shah Resident of Village- Lohagarha Hat,
P.S. Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Adv

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Dighalbank P.S. Case No. 115 of 2024 for the offence punishable under sections 8(c) and 21 (b) of the N.D.P.S. Act lodged on 19.09.2024 by the informant, Tapan Kumar Roy.

3. As per the prosecution story, the informant alleged that the SSB upon secret information, intercepted a motorcycle and there is recovery/seizure of 52.04 grams of brown sugar like substance from one Mohammad Saddam Hussain Ansari and 52 grams from this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that though recovery/seizure of 52 grams Narcotic Substance has been shown from pocket of the petitioner, the same is below commercial quantity and the police only to implicate has made



the said story. He further submits that one of co-accused, Mohammad Saddam Hussain Ansari has been granted bail in Cr. Misc. No. 82958 of 2024.

5. Learned APP opposes the prayer for bail submitting that besides recovery from his pocket, he has two criminal antecedent and one is of NDPS Act. His submission is that unlike Mohammad Saddam Hussain Ansari from whom nothing was recovered and has no criminal antecedent, there is recovery from him as also he has got criminal antecedent, as such, he cannot equate himself from the said order.

6. This Court finds force in the submissions of the learned APP, there is recovery from him coupled with the fact that he has got criminal antecedent of the same nature, in that background, for the present, this Court is not inclined to extend him any relief.

7. The bail application stands rejected.

(Rajiv Roy, J)

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