

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5729 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- RAXAUL District- East Champaran

Taufik Ali, S/o Md. Salim, R/o Vill.- Islampur, Ward No. 8, P.S.- Raxaul,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 22769 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- RAXAUL District- East Champaran

Tinku Mian @ Jafar Ahmad, Son of Abdul Gaffar Miyan @ Abdul Gafar
Ahmad @ Gaffar Miyan, resident of village - Islampur, P.S. - Raxaul, District
- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 5729 of 2025)
For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP
(In CRIMINAL MISCELLANEOUS No. 22769 of 2025)
For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

14 09-01-2026 Since both these applications arising out of same

F.I.R., they are being taken up together and are being disposed

off by this composite order.



2. Heard the learned counsel for the petitioners and the learned Addl. Public Prosecutor for the State.

3. The petitioners, who are in custody, seek bail in connection with N.D.P.S. Case No. 68 of 2024/N.D.P.S. Case No. 39 of 2024, arising out of Raxaul P.S. Case No. 151 of 2024, registered for the offence(s) punishable under Section(s) 20(b)(ii)(B), 21(B), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. As per the prosecution case, the police, on the basis of secret information that the petitioners are engaged in selling of narcotics substance, conducted a raid at the *ghumti* of Tinku Mian (petitioner in Cr. Misc. No. 22769 of 2025) where he was apprehended and one person who tried to flee was also apprehended and disclosed his name as Taufik Ali (petitioner in Cr. Misc. No. 5729 of 2025). On search, 9 pieces of Dodiwell Cough Syrup, 29 pieces Orenex Cough Syrup, 180 pieces of Nitravet Tablet, $140 + 149 = 289$ pieces of Netzecare Tablet, $64 + 76 = 140$ pieces of Proximo Spas Tablet, $2.550 \text{ grams} + 2.660 \text{ grams} + 18.15 \text{ grams} = 23.36 \text{ grams}$ of smack, 50 piece Tromal Tablet, mobile phones, 30 piece Diazepam Injection, 33 pieces of Phenergan Injection, 34 piece Noophine Injection and Rs. 3,730/- Indian currency and 13,640/- Nepalese currency were



recovered.

5. It has been submitted on behalf of the petitioners that they have falsely been implicated in this case and no recovery has been made from their conscious possession. It has further been submitted that the petitioner/Taufik Ali has been made an accused merely because he happens to be the nephew of petitioner/Tinku Mian. It has next been submitted that the procedures as defined under Sections 42 and 50 of the Narcotic Drugs and Psychotropic Substances Act have not been followed. The learned counsel refers to the second supplementary counter affidavit, wherein the details of the narcotics substance has been given and from the perusal of the same, it could be found that most of the quantities were under intermediate category and a few under small category. It has lastly been submitted that the petitioner/Taufik Ali carry no criminal antecedent and he is in custody since 02.05.2024, whereas the petitioner/Tinku Mian has four criminal antecedents against his name and he is in custody since 11.12.2024.

6. The learned Addl. Public Prosecutors for the State have vehemently opposed the prayer for bail of the petitioners. They have referred to the counter affidavits filed on behalf of the State and have submitted that the petitioners were



found to be indulged in purchase and sale of narcotics substance and hence they should not be released on bail.

7. Regard being had to the facts and circumstances of the case, let both the petitioners, above-named, be released on bail on their furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with N.D.P.S. Case No. 68 of 2024/N.D.P.S. Case No. 39 of 2024, arising out of Raxaul P.S. Case No. 151 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the concerned Court.

(iv) If the petitioners, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedents, the Court concerned shall take necessary steps for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall



not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioners, the petitioners are directed to appear before the Superintendent of Police, East Champaran at Motihari within fifteen (15) days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioners for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the Court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. Both the applications stand allowed and disposed off accordingly.

(Sourendra Pandey, J)

Praveen-II/-

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