

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5059 of 2026

Arising Out of PS. Case No.-397 Year-2025 Thana- PANCHRUKHI District- Siwan

Afroj Mansuri Son of Saheb Hussain @ Sahib Husain R/o Village- Jagatpur
Bangra, P.S.- Lakdinaviganj, District- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nityanand Mishra, Advocate
		Mr.Sachin Raj, Advocate
For the Opposite Party/s	:	Mr.Meena Singh, A.P.P.

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

ORAL ORDER

3 10-03-2026 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Pachrukhi P.S. Case No. 397 of 2025, instituted for the offences under Sections 317(5), 318(4) of the Bharatiya Nyaya Sanhita, 2023, u/s 30(a) of the Bihar Prohibition and Excise Act, u/s 25(1-B)(a), 26 and 35 of the Arms Act and u/s 8, 20(B)IIB and 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 1.7 kg of Ganja, one country made pistol, one live cartridge and 2.5 litres of liquor has been recovered from the Scorpio. The petitioner was arrested on the spot.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case. Petitioner is in custody since 30.08.2025 and has two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that the petitioner was neither owner nor driver of the vehicle, he has only taken lift in the said vehicle and he has no knowledge regarding the nature of goods loaded on the vehicle. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, recovered contraband being just above the small quantity as also 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 on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pachrukhi P.S. Case



No. 397 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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