

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6681 of 2026

Arising Out of PS. Case No.-129 Year-2025 Thana- Mufassil District- Purnia

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Mohammad Abdul Bari @ Md. Abdul Bari son of Md. Nezamuddin Resident
of Village - Mahsailli, Ward no. 1, Ps- Bausi, (Raniganj), Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, A.P.P.

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

ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 129 of 2025, instituted for the
offences under Sections 8(c), 21(b), 25 and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 213 grams smack in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has got no criminal antecedent.
There is no allegation of tampering of witnesses alleged against
the petitioner. No incriminating article has been recovered from
the conscious possession of the petitioner. Learned counsel



further submits Section 37 of the N.D.P.S. Act is not applicable in the present case.

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 of the petitioner for grant of anticipatory bail is **rejected**.

(Rudra Prakash Mishra, J)

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