

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11563 of 2026

Arising Out of PS. Case No.-5 Year-2026 Thana- R S P.S. District- Araria

Md. Makhtoor @ Mohammad Maktur S/O Umar Faruque @ Umar Faruk
Resident of Village- Chakardah, Ward no.- 8, Chandardai, P.S- Araria R.S.,
District -Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8 (c) and 21 of the NDPS Act.

3. The prosecution case, in brief, is that two persons were searched on suspicion of carrying contraband articles. From the perusal of the seizure list, it appears that smack was allegedly recovered from one Sohrab @ Chotu and the present petitioner. However, the seizure list mentions only the total weight of the recovered contraband and does not clearly specify the exact quantity allegedly recovered from the possession of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that, in fact, no contraband has been recovered from the possession of the petitioner. It is further contended that the witnesses to the seizure list are police personnel and no independent witness has been associated. It has also been submitted that the provisions of Section 105 of the B.N.S.S. were not complied with at the time of the alleged seizure. It is further submitted that the alleged quantity of contraband is more than the small quantity but less than the commercial quantity. The petitioner has been in judicial custody since 07.01.2026 and is stated to have one criminal antecedent of similar nature.

5. On the other hand, learned A.P.P. has opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with R.S. P.S. Case No. 5 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Araria, subject to the condition that



the petitioner shall cooperate in the trial, remain physically present before the Trial Court on each and every date fixed, and shall mark his weekly attendance at the Araria R.S. Police Station.

(Ashok Kumar Pandey, J)

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