

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11258 of 2026

Arising Out of PS. Case No.-231 Year-2025 Thana- R S P.S. District- Araria

MD. SADDAM S/O MD. NABI HASAN R/O VILL- MURBALLA, WARD
NO 03, PS- R.S., DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with R.S.
P.S. Case No.231 of 2025, registered for the offence punishable
under Sections 8(c)/21(B) of the NDPS Act.

3. Prosecution case in, brief is that on 22.12.2025 at
about 19:35 hrs., a patrolling team raided the house of Md.
Saddam. During the raid, a person tried to escape, but the
patrolling team apprehended him. Upon inquiry, the
apprehended person disclosed his name as Md. Saddam. As no
independent witnesses were found, two members of the team
namely Pritam Kumar and Prince Kumar were made
independent witnesses. During the search of Md. Saddam's



house, a substance resembling smack was recovered. Upon inquiry, the apprehended person stated that the substance was smack. Upon weighing the smack recovered from the spot was found to be 90 grams. After preparing a seizure list and an arrest memo, Md. Saddam was arrested. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Further submits that recovery has been made from a joint property, which does not exclusively belong to the petitioner. Learned counsel for the petitioner further submits that only 90 gms. smacks has been recovered, which much below the commercial quantity and also that petitioner has remained in custody since 23.12.2025, having clean antecedent.

5. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

6. Taking into account the facts that the recovery has been made from a joint property, which does not exclusively belong to the petitioner and therefore, foul play cannot be ruled out and further taking into account that only 90 gms. smacks has been recovered, which much below the commercial quantity and also that petitioner has remained in custody since 23.12.2025, having clean antecedent, this Court inclined to grant bail to the



petitioner.

7. Let the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) 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 R.S. P.S. Case No.231 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

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

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. 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.

8. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

Prakash Narayan

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