

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18603 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- R S P.S. District- Araria

Md. Rais Uddin @ Md. Rayaisuddin S/O Jakiri Uddin R/O Vill.- Hariyabara,
Ward No. 6, P.S.- R.S., Dist.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr.Vijay Kishore Bharti, learned counsel for
the petitioner and Mr.Vinod Shanker Modi, learned A.P.P. for
the State.

2. The petitioner seeks bail who is in custody since
25.01.2026 in connection with R.S.P.S. P.S. Case No. 15 of
2026, F.I.R. dated 24.01.2026 registered for the offence
punishable under Sections 8(c)/21(b) of N.D.P.S.Act.

3. Recovery is of 44 Gms of Smack.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. The allegation as alleged in the FIR is false and
fabricated and the petitioner has not committed any offence as
alleged in the FIR. He further submits that it appears from the
FIR as well as seizure list that no incriminating article has been



recovered from conscious possession of the petitioner rather the recovery has been made from the house of co-accused person, namely, Md. Ammar Alam @ Amar and the petitioner has been made accused in the present case merely on the ground that the petitioner was present in the house of co-accused person and altogether 44 Gms of Smack with paper has been recovered from the house of co-accused person. Learned counsel for the petitioner submits that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S.Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 25.01.2026.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that at the time of recovery the petitioner was present at the place of occurrence and the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Araria in connection with R.S.P.S. P.S. Case No. 15 of 2026, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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