

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18344 of 2026

Arising Out of PS. Case No.-8 Year-2025 Thana- Bathnaha District- Araria

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Md. Aftab @ Aftab aged about 28 years (male), Son of Md. Jamil, R/o Village
- Amouna, Ward no. 20, P.S. - Jogbani, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-05-2026 Heard Mr. Nafisu Zzoha, learned counsel appearing
on behalf of the petitioner and Mr. Jai Narain Thakur, learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Bathnaha P.S. Case No. 08 of 2025 registered for offences
punishable under Sections 21(c), 22 and 23 of the NDPS Act,
1985.

3. As per the allegation made in the FIR, petitioner
along with other co-accused persons, was allegedly involved in
illicit sale of several brands of cough syrup.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has falsely
been implicated in the present case. Petitioner is not named in



the FIR. Name of the petitioner has surfaced on the basis of confessional statement made by co-accused Md. Nayeem Baitha in police custody, which has no evidentiary value in the eye of law and the said Md. Nayeem Baitha has been granted bail by a co-ordinate Bench of this Court vide order dated 04.03.2025 passed in Cr. Misc. No. 12570 of 2025. Other similarly situated co-accused namely Pintu Kumar Das has also been released on bail by a co-ordinate Bench of this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 30912 of 2025. Petitioner has clean antecedent and he is in custody since 26.01.2026. Bar of Section 37 will not come in a way because nothing has been recovered from the physical possession of the petitioner. On these grounds, petitioner seeks to be released on bail.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties, as well as, the fact that petitioner is not named in the FIR. Name of the petitioner has surfaced on the basis of confessional statement made by co-accused Md. Nayeem Baitha in police custody, which has no evidentiary value in the eye of law and the said Md. Nayeem Baitha has been granted bail by a co-ordinate Bench of this Court *vide* order dated 04.03.2025



passed in Cr. Misc. No. 12570 of 2025. Other similarly situated co-accused namely Pintu Kumar Das has also been released on bail by a co-ordinate Bench of this Court *vide* order dated 09.05.2025 passed in Cr. Misc. No. 30912 of 2025. Petitioner is in custody since 26.01.2026 and he has clean antecedent, the learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Bathnaha P.S. Case No. 08 of 2025 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.



(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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