

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18391 of 2026

Arising Out of PS. Case No.-52 Year-2026 Thana- TERHAGACHH District- Kishanganj

Md. Mafid Baksh @ Mafid Bakas S/O Late Maksad Ali Resident of
Nayabasti Mushahra, P.S. - Terhagachh, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2026 Heard Mr. Raj Kumar, learned counsel for the petitioner
and Mr. Awadhesh Kumar Singh, learned APP for the State.

2. Petitioner seeks bail who is in custody since
11.02.2026 in connection with Tehragachh P.S. Case No. 52 of
2026, F.I.R. dated 10.02.2026 for the offences punishable under
Sections 8, 20(b)(ii)(b) and 22(b) of the Narcotic Drugs &
Psychotropic Substance Act, 1985.

3. Recovery is of 1.945 kg of *ganja* from a tempo.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from
perusal of FIT itself it appears that there is non-compliance of
the mandatory provision of Sections 50 and 52 of the N.D.P.S.
Act and it appears 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 petitioner is in custody since 11.02.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent and that the recovered contraband is less than the commercial quantity, 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 the learned Session Judge-cum-Special Judge (NDPS Act), Kishanganj in connection with Tehragachh P.S. Case No. 52 of 2026, subject to 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 absence on two consecutive dates without sufficient reason, his 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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