

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27671 of 2026

Arising Out of PS. Case No.-359 Year-2025 Thana- BANMANKHI District- Purnia

Md. Sajid @ Sajid @ Md. Sajida Son of Md. Ibrahim @ Ibrahim Resident of
Village - Bisanpur Ward No. 24, P.S.- Banmankhi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2026 Heard Mr. Ram Prawesh Kumar, learned counsel
for the petitioner as well as Mrs. Pushpa Sinha, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.12.2025 in connection with Banmankhi P.S. Case No.
359/2025, F.I.R. dated 02.12.2025 for the offences punishable
under Sections 21(b), 25 and 29 of the N.D.P.S Act.

3. According to prosecution case, 10.5 grams of
smack like substance including the packet was recovered from
the possession of the co-accused, Rahul Ray.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The co-accused person, namely,
Rahul Ray has been granted bail by this Hon'ble Court vide



order dated 30.03.2026 passed in Cr. Misc. No. 20916/2026. He further submits that it appears from the FIR as well as seizure list that altogether 10.5 grams of smack like substance has been recovered from possession of the co-accused person, namely, Rahul Ray including the paper. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and Section 103/105 of the BNSS, 2023 and it appears that the recovered contraband is more than the small quantity but 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. The police after investigation, submitted the charge-sheet against the petitioner and the petitioner is in custody since 03.12.2025.

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

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and the recovered contraband is less than 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 Special Judge (N.S.P.S. Act), Purnea in connection with Banmankhi P.S. Case No. 359/2025, 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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