IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31758 of 2026

CNR No. BRHC010421512026

Arising Out of PS. Case No.-289 Year-2020 Thana- BAISI District- Purnia

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1. Aminul Islam @ Md. Aminul Islam S/o Ansar Ali Resident of vill - Vijnivatika, P.S.- Vijni, Distt.- Siran, Assam
2. Md. Ghurus Ali @ Md. Jhurus Ali @ Md. Suruj Ali @ Md. Churus Ali S/o Samouddin Ali R/o Nashangudi, P.S.- Boangaigona, Distt.- Boangaigoan, Assam

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Purushottam Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhusan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 06-11-2026 Heard Mr. Ajay Kumar, leaned counsel for the petitioners and Mr. Bharat Bhusan, learned APP for the State.

2. The petitioner is in judicial custody in connection with Special Case No. 22 of 2020 arising out of Baisi P.S. Case No. 289 of 2020 registered under Sections 8, 20(b) (ii) (c) and 25 of the Narcotics Drugs and Psychotropic Substances Act lodged on 19.11.2020 by the informant, Satish Kumar Himanshu.

3. Allegation in the FIR is that the police got secret information and acting upon that, they intercepted a Bolero Pick-up bearing Registration No. AS19AC/0837 coming from

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West Bengal, Dalkola. As they approached the vehicle, two persons tried to escape but were apprehended. Upon search, amongst other, altogether 185.230 k.g. of *'ganja'* was recovered/seized.

4. Learned counsel for the petitioners submit that the petitioners are in custody since 20.11.2020 (i.e) from the date of occurrence and the trial has still not concluded. Further, both do not have criminal antecedent. Further, an undertaking has been given that if granted relief, they shall be diligently appearing in trial and no circumstance and without plausible reason shall absent to delay the trial. Failure to do so, in case relief is granted, the state shall be free to take immediate for the cancellation of bail bond.

5. Learned APP though opposes the prayer concede that the trial has not been concluded as per the report dated 17.09.2026 sent by the Trial Court and earlier FSL report having faded, they are awaiting the second FSL report.

6. Taking into account the submission of the parties as also that period of custody couple with the fact that they do not have criminal antecedent, an undertaking has been given that they shall be diligently appearing in trial, the same has been recorded with the rider that if they fail to abide by the undertaking, (the

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trial Court shall see to it that his bail bond is immediately canceled), in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-IX-cum-Special Judge, N.D.P.S.Act, Purnea in connection with Special Case No. 22 of 2020 arising out of Baisi P.S. Case No. 289 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark

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their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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