

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31280 of 2026**

Arising Out of PS. Case No.-13 Year-2026 Thana- GALGALIYA District- Kishanganj

Majhar Alam S/o Majirul Haq @ Majhrul Haquie At present residing at -  
Hotel Supreme Loch Nagar Road Bus Stand Darjeeling, P.S - Darjeeling  
Sadar, District - Darjeeling, Permanent Address - R/o Village - Khabar Gaon  
Ambari, P.S - Islampur, District - Uttar Dinazpur, State - West Bengal

... .. 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 : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-05-2026                      Heard Mr. Ram Prawesh Kumar, learned counsel  
  
for the petitioner and Mr. Anand Kishore Choudhary, learned  
  
APP for the State.

2. Petitioner seeks bail who is in custody since  
12.02.2026 in Galgalia P.S. Case No. 13 of 2026, F.I.R. dated  
11.02.2026 for the offences punishable under Sections 8(c),  
21(b), 25, 29 of the Narcotic Drugs & Psychotropic Substance  
Act, 1985.

3. Recovery is of 105 gram of Morphine.

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 it appears  
from the F.I.R. as well as seizure list that nothing has been



recovered from the conscious possession of the petitioner rather recovery has been made from the possession of co-accused persons, namely, Md. Kalam and Shahid Afridi and this petitioner has been made accused merely on the ground that he was apprehended along with the co-accused persons. He next submits that the said Md. Kalam has been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 17.04.2026 in Cr. Misc. No. 25602 of 2026. 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 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. He further submits that the police after investigation submitted the charge sheet. The petitioner is in custody since 12.02.2026.

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

6. Considering the aforesaid facts and circumstances , 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 Sessions Judge-cum-Special Judge (N.D.P.S) Act, Kishanganj in



connection with Galgalia P.S. Case No. 13 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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