

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30781 of 2026

Arising Out of PS. Case No.-32 Year-2026 Thana- Sarai P.S. District- Siwan

Murtuza Ali S/o Late Fateh Hussain Resident of Village - Makhdoom, P.S. - Sarai, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ritika Kumari, Advocate
For the State : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2026 Heard Ms. Ritika Kumari, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 04.02.2026, in connection with Siwan Sarai P.S. Case No. 32 of 2026, F.I.R. dated 04.02.2026 registered for the offences punishable under Sections 8, 21(b) and 22 of N.D.P.S. Act.

3. The case relates to recovery of 32 grams of *Smack*.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. From perusal of the F.I.R. as well as seizure list it appears that the contraband has been recovered from the possession of co-accused person, namely, Sahnawaz Ali and petitioner has been made accused in the present case



merely on the ground that the petitioner is the father of co-accused Sahnawaz Ali. She further submits that the petitioner has no role at all in the present occurrence and he has no knowledge about the conduct of his son. It appears from the seizure list that there is non compliance of mandatory provisions of Section 50 of the N.D.P.S. Act and the seizure list witnesses are police personnel so there is also non compliance of Section 103 and 105 of the B.N.S.S. and the recovered contraband is less than the commercial quantity, so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and apart from that nothing has been recovered from the conscious possession of the petitioner. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.02.2026.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that there is non compliance of mandatory provisions of Sections 50 of the N.D.P.S. Act and 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/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Sessions Court, Siwan in connection with Siwan Sarai P.S. Case No. 32 of 2026, subject to the following conditions :-

(1) 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.

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

(3) 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.

(3) 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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