

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30141 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- R S P.S. District- Araria

=====

NISHAR ALAM @ MD. NISAR ALAM S/O JAHIRUDDIN R/O
Hariyabara, Ward no. 3, P.S.- R.S., Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026 Heard Mr. Kundan Kumar Singh, learned counsel for

the petitioner and Mr. Syed Ehteshamuddin, learned A.P.P. for the

State.

2. The petitioner seeks bail who is in custody since
19.02.2026 in connection with R.S. (Araria R.S.) P.S. Case No. 15
of 2026, F.I.R. dated 24.01.2026 registered for the offence
punishable under Sections 8(c)/21(b) of N.D.P.S.Act.

3. Recovery is of 44 Gms of Smack.

4. Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and the petitioner has been
falsely implicated in the present case. The allegation as alleged in
the FIR is false and fabricated and the petitioner has not
committed any offence as alleged in the FIR. He further submits
that it appears from the FIR as well as seizure list that no



incriminating article has been recovered from conscious possession of the petitioner or the house of the petitioner rather the recovery has been made from the house of co-accused person, namely, Md. Ammar Alam @ Amar and the name of the petitioner has been transpired on the basis of disclosure made by apprehended co-accused person. He further submits that altogether 44 grams of Smack with paper has been recovered from the house of co-accused person and 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 co-accused person, namely, Md. Rais Uddin @ Md. Rayaisuddin has been granted bail by this Court vide order dated 24.03.2026 passed in Cr. Misc. No. 18603 of 2026 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.02.2026.

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

6. Considering the aforesaid facts and the fact that the petitioner having clean antecedent and co-accused person has been granted bail by this Court as well as 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 learned Sessions Judge-cum-Special Judge, NDPS Act, Araria in connection with R.S. (Araria R.S.) P.S. Case No. 15 of 2026, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Ibrar//-

U		T	
---	--	---	--

