

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33888 of 2026

Arising Out of PS. Case No.-114 Year-2025 Thana- NAKARDEI District- East Champaran

Sheikh Karmullah @ Faider S/O Lare Saheikh Akbar @ Late Saheikh Akbar
R/O Village- Sirsiya Mal, P.S- Nakardei, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Nakardei PS Case No. 114 of 2025 instituted for the offences under Sections 8, 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution case is that, acting on secret information, the police conducted a raid at the sugarcane field of the co-accused, who fled from the spot on seeing the police, and recovered contraband buried beneath the soil. During the search, 500 grams of *charas* like substance and 368 grams of smack like substance were recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner was not arrested on the spot, rather it is alleged that he fled away from the spot. Name of the petitioner is disclosed by local *chowkidar*. The petitioner is in custody since 07.12.2025 and has got four (4) criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits similarly situated co-accused has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 09.01.2026, passed in Cr. Misc. No. 86848 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no recovery from the conscious possession of the petitioner as also claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like



amount each to the satisfaction of Court below/concerned Court in connection with Nakardei PS Case No. 114 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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