

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33582 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- Arar District- Madhepura

Ashif S/o Late Masibur R/o Village - Bagdad Nagar, P.S - Samserganj,
District - Mursidabad, State - West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pooja Prasad, Advocate

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Arar
P.S. Case No. 08 of 2026, instituted for the offences punishable
under Sections 8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 210 gram smack from the pocket of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner
further submits that the petitioner has got no concern with the



alleged recovery of smack. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 24.01.2026 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, the recovered contraband being below the commercial quantity 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 on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Arar P.S. Case No. 08 of 2026.

(Rudra Prakash Mishra, J)

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