

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40891 of 2026

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

Shahid Afridi @ Sahid Afredi @ Sahid Afridi Son of Md. Naushad @ Md. Chhedi R/o Village - Sonamati Road, Ismail Chowk, Ismailpur, P.S.- Islampur, District - Uttar Dinajpur, State - West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-06-2026 Heard Mr.Mrityunjay Kumar, 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 12.02.2026 in connection with Galgalia P.S. Case No. 13 of 2026, F.I.R. dated 11.02.2026 registered for the offence punishable under Sections 8(c),21(b),25 and 29 of N.D.P.S.Act.

3. Recovery is of 105 Gm of Morphine.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He further submits that from a bare perusal of the FIR it appears that altogether 105 Gm of Morphine has been recovered from possession of the petitioner and other co-accused persons and



petitioner has been made accused in the present case merely on the ground that the petitioner was apprehended alongwith the other co-accused persons and 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 and co-accused person, namely, Md. Kalam has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 17.04.2026 passed in Cr. Misc. No.25602 of 2026, co-accused person, namely, Majhar Alam has been granted bail by this Court vide order dated 12.05.2026 passed in Cr. Misc. No.31280 of 2026 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.02.2026.

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, recovered contraband is less than the commercial quantity and similarly situated co-accused persons have been granted bail by this Court or a Coordinate Bench of this Hon'ble Court, 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), Kishanganj in connection with Galgalia P.S.
Case No. 13 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)

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