

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39369 of 2026

Arising Out of PS. Case No.-418 Year-2025 Thana- ARARIA District- Araria

Md. Nausad @ Md. Naushad Son of Sri Mohammad Mukhtar Resident of
village -Sisona PS -Araria District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr. Purushottam Kumar, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.10.2025 in Araria P.S. Case No. 418 of 2025, F.I.R. dated
06.10.2025 for the offences punishable under Sections 8(c), 21
(b) of the Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Recovery is of 48.1 grams of Smack.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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. It appears from the FIR that nothing has been
recovered from conscious possession of the petitioner rather the



recovery has been made from the possession of co-accused person, namely, Bablu Alam and the petitioner has been made accused merely on the ground that he was accompanying the said Bablu Alam. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that 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 the police after investigation submitted the charge sheet. The petitioner is in custody since 07.10.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was arrested along with the co-accused person and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, 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 the learned Session



Judge-cum-Special Judge, NDPS Act, Araria in connection with
Araria P.S. Case No. 418 of 2025, subject to 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 absence on two consecutive dates without sufficient reason, his 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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