

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40718 of 2026

Arising Out of PS. Case No.-152 Year-2026 Thana- BETTIAH CITY District- West
Champaran

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Jakir Hussain @ Mohammad Jakir S/o Late Ash Mohammad @ Late Ash
Mohammad Miyan Resident of Village- Baswariya Ghusukpura, P.S.- Bettiah
Town, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sitesh Kashyap

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.03.2026 in connection with Bettiah Town P.S. Case No. 152
of 2026 for the offences punishable under Sections 8(c), 20(b)
(ii)(B) of the N.D.P.S Act.

3. The case of the prosecution in brief is that on
11.03.2026 at 06.10 P.M., the present F.I.R was lodged stating
that on 11.03.2026 at 02.05 P.M., the informant along with the
police party proceeded for patrolling duty. At about 04.00 P.M.,
the informant received a secret information to the effect that one
Kalma Khatoon was selling illegal ganja at her house. At about
04.20 P.M., the informant arrived at the house of Kalma
Khatoon and surrounded it. The local people did not became
ready to witness search and seizure. Thereafter, in presence of
Home-Guard Babloo Kumar Sharma and Home-guard Radhe
shyam Prasad, the house of Shalma Khatoon was searched. A



female was giving ganja like substance to two young persons who were sitting on the ground. All the 3 persons were surrounded. The lady disclosed her name as Kalma Khatoon whereas the two male persons disclosed their names as Jakir Hussain & Abhay Kumar. The male accused persons disclosed that ganja has been kept in a plastic bag and polythene. A notice under sec. 50, N.D.P.S. Act was given to all the three accused persons stating inter-alia that they can get their search done in presence of a Magistrate or a Gazetted officer. Thereafter one Shweta Kumari, B.D.O., Bettiah Sadar was deputed as Magistrate in whose presence the plastic bag was opened and ganja like substance was found in the same. A white colored polythene found in possession of accused Jakir Hussain was opened and ganja like substance was found in the same. In the same way a red colored polythene found from the possession of the accused Abhay Kumar was also opened and ganja like substance was found in the same. Thereafter, an electronic balance was arranged. About 6.893 kg ganja was found in the yellow plastic bag. 617 gm ganja was found in the white polythene whereas 446 gm ganja was found in the red polythene. Thus, 7.956 kg ganja in total was recovered from the place of occurrence. A seizure list was prepared.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner next submits that it appears from the FIR and seizure list that altogether 7.956 kg of ganja was recovered from the possession of the petitioner along with co-accused person. It is next submitted that 617 gm of ganja was also recovered from the possession of the petitioner. It is next submitted that there is non-compliance of mandatory provisions of the NDPS Act. Learned counsel for the petitioner next submits that the recovered contraband is less than commercial quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that altogether 7.956 kg of ganja was recovered from the possession of the petitioner along with co-accused persons but the recovered contraband is less than commercial quantity.

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 Exclusive



Special Judge, N.D.P.S., Bettiah, West Champaran/Successor Court in connection with Bettiah Town P.S. Case No. 152 of 2026, 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)

Gaurav Sinha/-

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