

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41237 of 2026

Arising Out of PS. Case No.-37 Year-2026 Thana- NAKARDEI District- East Champaran

Harun Rashid @ Mohammad Harun Rasid S/o- Nurain Miyaan @ Nurain Hussain R/v- Sirisiyawa Mal W.No-2, Ps- Nakardei Po- Noniyadih Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mohd Rustam Hussain, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Nakardei P.S. Case No. 37 of 2026 registered for the offences punishable under Sections 8(c), 21(b), 25 & 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. As per FIR, total 26.81 Grams of Smack was recovered, which the petitioner alleged to supply to the apprehended co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated with the present recovery of psychotropic substance due to bad village politics and, moreover, nothing was recovered from his conscious



possession. It is submitted that out of village enmity, the name and mobile number of petitioner was supplied by the apprehended co-accused persons to the Police. It is also submitted that the search upon the apprehended co-accused persons in view of section 50 of the N.D.P.S. Act, not appears followed in its true spirit making the implication of this petitioner also doubtful. Petitioner claimed clean antecedent.

5. Learned A.P.P. for the State while opposing the prayer for anticipatory bail of the petitioner, submitted that investigation of this case is still open and this petitioner was named by apprehended co-accused persons who was arrested alongwith contraband. It is submitted that this petitioner was the supplier of contraband and, moreover, the mobile number of this petitioner was provided by the apprehended co-accused persons.

6. It is further submitted that petitioner nowhere denied that said mobile number does not belongs to this petitioner and, therefore, the culpable mental state of petitioner in view of section 35 of the N.D.P.S. Act, cannot be denied, however, he fairly conceded that this is not a recovery of commercial quantity and, therefore, rigours of section 37 of the N.D.P.S. Act not appears applicable in the present case.

7. In view of the aforesaid factual submissions and by



taking note of the fact as *prima facie* the aforesaid submission suggest the culpable mental state of this petitioner *qua* recovery of contraband, accordingly, prayer of anticipatory bail of this petitioner stands rejected.

(Chandra Shekhar Jha, J)

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