

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46430 of 2026

Arising Out of PS. Case No.-151 Year-2024 Thana- RAXAUL District- East Champaran

Sarfraj Alam @ Nidu S/o Abdul Gaffar Miya @ Gaffar Miya R/O- village-
Islampur, P.S- Raxaul, District- East champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Adv.
For the Opposite Party : Mr. Nawin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR
and apprehending his arrest in connection with Raxaul P.S.
Case No.151 of 2024 registered under Sections 20(b)(ii)
(B), 21(B), 22 and 29 of the NDPS Act.

3. As per the case of prosecution, the police on
the basis of secret information that the accused persons
are engaged in selling of narcotics substance conducted a
raid at the *Ghumti* of co-accused Tinku Miya, when upon



raid one person, tried to flee away from there seeing police, who was apprehended after short chase and disclosed his name as Taufik Ali. Upon search, nine pieces of Codiwell cough syrup, twenty nine pieces of Onrx Cough Syrup, 180 pieces of Nitravet tablet, 289 pieces of Netzecare tablets, 140 pieces of Proximo spas capsule, 23.36 gram of smack, 50 pieces of Tramol tablets, mobile phones, 30 pieces of Diazepam injection, 33 pieces of phenegan injection, 34 pieces of Burpenorphine injection, Rs. 3,730/- Indian currency and Rs. 13,640/- Nepali currency were seized.

4. It is submitted by learned counsel appearing on behalf petitioner that upon raid, the co-accused Tinku Miya, who was alleged as owner of the Ghumti from where the drugs and contraband were recovered named this petitioner saying that he was also a partner in selling activities of drugs and contraband substances, which was seized by police during raid. It is submitted that the co-accused Tinku Miya is the brother of this petitioner. It is submitted that nothing incriminating was recovered from



conscious possession of this petitioner. Explaining criminal antecedent, It is submitted that petitioner found involve in three more criminal cases, where he is on bail.

5. Learned APP while opposing the prayer of anticipatory bail submitted that the name of this petitioner was confessed by co-accused Tinku Miya, who is the owner of the *Ghumti* and the brother of the petitioner, therefore it can be safely gathered that this petitioner was under culpable mental state *qua* possession of all seized drugs as per seizure list within the meaning of Section 35 of NDPS Act. It is also submitted that petitioner found involve in three more cases, where two cases are related with offence punishable under section 302 and one case is related with offence punishable under Section 307 of the IPC.

6. In view of aforesaid factual submissions and by taking note of fact as in view of confessional statement of apprehended co-accused Tinku Miya, who is the brother of the petitioner *prima facie*, it can be gathered that this petitioner was under culpable mental state regarding



seized contraband/drugs/psychotropic substances coupled with the fact that the petitioner found involved in three heinous offences, accordingly, the prayer of anticipatory bail of petitioner stands rejected.

(Chandra Shekhar Jha, J.)

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