

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45789 of 2026

Arising Out of PS. Case No.-173 Year-2026 Thana- POTHIYA District- Kishanganj

Rahwar Alam @ Rahbar Alam S/o Faiz Mohammad Resident of Panbada,
Ward No. 10, P.S.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Pothia P.S. Case No. 173
of 2026 instituted for the offences under Sections 21(c), 25, 29
of the NDPS Act.

3. Prosecution allegation, in short, is that total 515.670
grams of heroin/brown sugar has been recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 26.04.2026 and
has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Learned
counsel further submits that though the total recovery of brown



sugar is allegedly 515.67 grams but, out of which only 100.210 grams has been recovered from the possession of the petitioner. He further contends that there is no material to prove that the allegedly recovered contraband is heroine.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

8. Learned Trial Court is directed to conclude the trial in expeditious manner without any undue delay and unnecessary adjournment.

(Rudra Prakash Mishra, J)

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