IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48169 of 2026

Arising Out of PS. Case No.-64 Year-2026 Thana- Bathnaha District- Araria

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1. Md. Jabir @ Pothia @ Jabir, S/o- Md. Hafaz,
2. Md. Jagir, S/o- Md. Rojit
Both are residents of village- Bhadeshwar, Station Chowk, P.S- Bathnaha, District- Araria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Bathnaha P.S. Case No.64 of 2026, registered for the offences under Sections 8(c), 21(b) of the NDPS Act.

3. As per prosecution case, the police received information about the petitioner no. 1 selling smack after making *puriya* of it. A raid was conducted and three persons started running away on seeing the police party, who were apprehended and the petitioners are two of the apprehended persons. From the place where the petitioners had been sitting, recovery of 10.55 grams of smack was made. Further recovery

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of Indian and Nepali currency were made from the petitioners and the co-accused, from whom, further recovery of an electronic weighing machine was also made.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. From the FIR, it is clear that nothing has been recovered from the petitioners who have been apprehended merely on suspicion. The recovery has been made from an open place accessible to all. The mandatory provisions of search and seizure was not followed. Further, the quantity of the recovered contraband is much less than the commercial quantity though it is more than small quantity. The petitioner no. 1 is having antecedent of one case, whereas the petitioner no. 2 is having clean antecedent. The petitioners are in custody since 06.05.2026.

5. Learned A.P.P. vehemently opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and further considering their period of custody, the petitioners are directed to be released on bail, on furnishing bail bonds of

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Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Araria/ concerned court, in connection with Bathnaha P.S. Case No.64 of 2026, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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