IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48580 of 2026

CNR No. BRHC010695782026

Arising Out of PS. Case No.-159 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

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Md. Paddum @ Md. Shakir S/O Md. Zakir @ Md. Jakir R/O Village- Vyapari Tola Fatehpur, P.S- Industrial Area, Distt.- Bhagalpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. S.M. Ashraf, Sr. Advocate
Mr. Rana Hason, Advocate
Mr. Shehrm Ashraf, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 29-10-2026 Learned counsel for the petitioner has submitted that earlier his bail petition was rejected by this court vide order dated 28.01.2026 of Cr. Misc. No. 18847 of 2024 with an observation that the petitioner may renew his prayer for bail after three months if the trial is not concluded. At that time altogether 11 witnesses out of 12 was examined. A report regarding the stage of trial was called from the learned trial court. From perusal of report, it transpires that till today only 11 witnesses have been examined and petitioner is in custody since 24.05.2023.

2. Heard learned counsel for the petitioner and learned APP for the State.

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3. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 20(b)(ii)(c) and 22 of the NDPS Act.

4. The case of the prosecution is that from his house altogether 57 kg 500 gm of *ganja* was recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of this petitioner. The seizure list witnesses are police personnel and police has not complied Section 100 of the Cr.P.C. while making the seizure. Moreover, a statement has been made in para-3 that the petitioner is having one criminal antecedent. He is languishing in judicial custody since 24.05.2023.

6. Considering the period of custody and the fundamental right of the petitioner as enshrined in article 21 of the Indian Constitution and having regard to the judgment of the **Supreme Court in the case of Rabi Prakash V. State of Odisha.**

7. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

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8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Industrial Area P.S. Case No. 159 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Bhagalpur.

(Ashok Kumar Pandey, J)

Sneha/-
Shubham/-

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