IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63615 of 2026

CNR No. BRHC010919092026

Arising Out of PS. Case No.-102 Year-2026 Thana- Salmari District- Katihar

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Md. Iquabal @ Md. Ikbal S/o Md. Allauddin R/o Vllage - Hariharpur, P.S. - Azamnagar, Dist. - Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the APP : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 30-10-2026 Heard learned Counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Salmari P.S. Case No. 102 of 2026, lodged on 05/06/2026, for the offences punishable under Sections 8(c) and 21(b) of the NDPS Act, 1985.

3. As per the prosecution, total recovery of 49.06 grams of smack like substance has been made, which is the subject matter of this case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel

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further submits that name of the petitioner has been implicated in this case merely on suspicion. Counsel further submits that nothing has been recovered from the house of the petitioner rather the recovery of smack like substance was made from the pocket of shirt of the petitioner which was planted for proving the case against the petitioner. Counsel further submits that the recovery of smack like substance from the possession of the petitioner is of intermediary quantity, i.e., 41.51 grams. Counsel submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him related to Excise Act and NDPS Act in which he is on bail and in the present case he is in custody since 05/06/2026.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner and submits that the recovery of smack like substance was made from the possession of the petitioner and his criminal antecedent is not clean as there is one criminal case pending against him which is related to Excise Act and NDPS Act.

6. Considering the recovery of intermediary quantity of smack like substance and the criminal antecedent of the petitioner which is related to Excise Act and NDPS Act, this Court is not inclined to grant bail to the petitioner.

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Accordingly, the present bail application is hereby rejected **at present**. However, liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Dr. Anshuman, J)

Anshuman/Mkr-

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