IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66690 of 2026

CNR No. BRHC010931182026

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

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Md. Mudassir Hayat S/o Late Gulam Rabbani @ Md. Gulam Rabbar R/o Village - Sohragachhi, P.S. - Salmari, Dist. - Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Alok Kr. Alok, Adv.
Mt. Mazher Alam, Adv.
For the Opposite Party/s : Mr. Madhura Nand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

4 06-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Salmari P.S. Case No. 102 of 2026 registered for the offence under Sections 8(c), 21(b) of NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 05.06.2026.

4. The allegation against the petitioner is to have in possession of 8.09 gram of smack whereas during raid from one another co-accused 41.51 gram smack like substance was also recovered making it total of 49.06 gram.

5. Learned counsel appearing on behalf of the petitioner submitted that even the total quantity of

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contraband if taken into consideration, the recovered quantity is less than commercial quantity. It is submitted that as recovered quantity is less than commercial quantity, rigors of section 37 of NDPS Act not appears applicable in present case. It is pointed out that different mandatory provisions regarding search, sampling and seizure (SSS) also not appears followed in present case making the allegation doubtful. It is submitted that recovery was made from scooter occupied by different person and, therefore, it can be said that contraband was not recovered from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact that recovery of contraband appears less than commercial quantity, where recovery of contraband

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prima-facie appears doubtful from conscious possession of this petitioner, coupled with fact as investigation of this case has already concluded, wherein petitioner being man of clean antecedent, remains in custody since 05.06.2026, accordingly petitioner above named, is directed to be released on bail in connection with Salmari P.S. Case No. 102 of 2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal District & Sessions Judge, Katihar /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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