IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65937 of 2026

CNR No. BRHC010948422026

Arising Out of PS. Case No.-141 Year-2026 Thana- MAINATAND District- West Champaran

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Nazir Miya @ Najir Miya Son of Late Hakim Miya R/o Village- Basartpur, P.S.- Mainatand, District- West Champaran.

... ... Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Kajal Kumar, Adv.
Mr. Deepak Kumar, Adv.
Ms. Saloni Kumari, Adv.
For the Opposite Party/s : Mr. Meena Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

4 05-11-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Mainatand P.S. Case No. 141 of 2026, registered for the offences punishable under Sections 21(c), 22, 23 and 29 of the NDPS Act, 1985.

3. The allegation against the petitioner is that he was apprehended by the SSB personnel while allegedly taking away a 14-year-old minor girl, namely Archana Kumari, towards Nepal on a motorcycle bearing Registration No. BR-05AB-3555. In presence of the

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Executive Magistrate, a search was made and from his black backpack 294 injections including 96 Buprenorphine, 97 Diazepam and 95 Promethazine injections, along with 6 broken injections, were allegedly recovered. The petitioner failed to produce any valid document relating to the recovered medicines, whereupon the same along with the motorcycle, was seized and he was handed over to the Mainatand Police Station.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that, pursuant to the direction of a Coordinate Bench of this Court, the petitioner has filed a supplementary affidavit, which is on record. It has specifically been stated in paragraphs 4, 5 and 6 of the affidaivt that the alleged recovered quantities of Buprenorphine (0.0576 gram) and Diazepam (0.97 gram) are much below the prescribed small quantity limits of 1 gram and 20 grams respectively under the NDPS Act. It is further contended that Promethazine Hydrochloride does not fall within the ambit of the NDPS Act. He has also submitted that during course of

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investigation, not a single independent witness came forward to support the prosecution case. He has further submitted that the petitioner has falsely been implicated in the present case due to the high-handedness of the local police. It has also been contended that the mandatory provisions of Section 50 of the NDPS Act have not been complied with. Learned counsel has further submitted that the charge-sheet has already been submitted. He has fairly submitted that the petitioner is also an accused in one other case and has been in judicial custody since 02.07.2026. Lastly, learned counsel for the petitioner undertakes that the petitioner shall cooperate with the trial and shall not indulge in commission of any offence in future.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into consideration the entire facts and circumstances of the case as also the averments made in the supplementary affidavit filed by the petitioner which denotes that no commercial quantity has been recovered from the conscious possession of the petitioner, rather the quantity of the recovered contraband is much below the

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prescribed small quantity under the NDPS Act, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge NDPS/concerned Court, West Champaran, Bettiah in connection with Mainatand P.S. Case No. 141 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the one case as mentioned in paragraph no. 3 of the main bail petition, his bail bond will not be accepted. The case mentioned in

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paragraph no. 3 of the main bail petition is as follows:-

(a) Maintand P.S. Case No. 61 of 2017.

(v) It is also made clear that there shall be no delay in verifying the criminal antecedent of the petitioner and the delay shall not extend beyond a period of ten days.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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