

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68337 of 2025

Arising Out of PS. Case No.-387 Year-2025 Thana- KISHANGANJ District- Kishanganj

1. Anwarul Haque S/O Md Asiruddin R/O Vill.- Bhatgaon, P.S.-Islampur, District- Uttar Dinajpur (W.B.)
2. Shah Nawaz Hussain @ Sahanawaj Houssain S/O Basiruddin R/O Vill.- Bahartalla, P.S.-Islampur, District- Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 23-02-2026 Heard Mr. N.K. Agrawal, learned Senior counsel
for the petitioners and learned APP for the State.

2. A prayer for bail has been made on behalf of the petitioners in connection with Kishanganj P.S. Case no.387 of 2025 registered under sections 8C, 21B and 29 of NDPS Act.

3. There is a recovery of 101.5 grams of brown sugar along with some incriminating articles.

4. Learned Senior counsel for the petitioners submits that a recovery of 101.5 grams of brown sugar has been shown from the possession of the petitioner no.1, which is an intermediate quantity and much less than commercial quantity. Further, no recovery has been shown from petitioner no.2. It



has further been submitted that there is non-compliance of mandatory provisions of NDPS as there is no independent witness to the seizure list. The petitioners have no criminal antecedent and are in custody since 17.07.2025. They undertake to cooperate in the case/trial. Charges have been framed on 05.05.2025, however, no witness has been produced on behalf of prosecution.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that mandatory provisions of search and seizure has been violated and charges have already been framed, the petitioners, having no criminal antecedent, are directed to be enlarged on bail in connection with Kishanganj P.S. Case no.387 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the following conditions:-

(I) One of the bailors of the petitioners shall be the family member/close relative of the petitioners.

(II) The petitioners shall remain physically present in



the learned trial Court on each date and shall cooperate in the trial. In case the petitioners are absent on the two consecutive dates without sufficient reasons, the learned trial Court would be at liberty to cancel the bail bonds of the petitioners.

(III) The criminal antecedent of the petitioner shall be verified before accepting bail bonds which would be undertaken expeditiously, preferably within a period of two weeks of receipt of this order.

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

