

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72712 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- FULKAHA District- Araria

Md. Najir @ Najir @ Mohammad Nazir S/o Iliyas Miyan @ Luyash Miyan
@ Iliyas, R/o Village- Ghurna Pathraha, Ward No. 12, P.S.- Ghurna, District-
Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate Mr. Sanjay Kumar Sharma, Advocate Mr. Rohit Kumar, Advocate
For the Opposite Party/s	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-01-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The is the second attempt of the petitioner to seek regular bail. Earlier the petitioner had approached this Court for grant of regular bail in Cr. Misc. No. 5525 of 2025 which was rejected *vide* order dated 17.03.2025.

3. The petitioner seeks bail in connection with Fulkaha P.S. Case No. 40 of 2024 dated 22.03.224, registered for the offences punishable under Sections 8 and 20(b)(ii)(c) of the NDPS Act.

4. As per the prosecution case, recovery of twenty-seven kilograms of ganja was made from a motorcycle driven



by the co-accused on which another co-accused was pillion riding. The name of the petitioner transpired in this case as he is said to be the registered owner of the motorcycle from which the recovery of ganja has been made

5. Learned counsel appearing on behalf of the petitioner submits that fresh ground for seeking bail in the present case after prayer of rejection by a co-ordinate Bench is that the co-accused who was apprehended carrying ganja on motorcycle has been granted bail by a co-ordinate Bench and case of the petitioner is on much better footing. Learned counsel further submits that though the prayer for bail of the co-accused was rejected earlier, subsequently *vide* order dated 19.09.2025 passed in Cr. Misc. No. 3559 of 2025, the learned co-ordinate Bench taking into consideration the Hon'ble Supreme Court in the case of *Ankur Chaudhary v. State of Madhya Pradesh* reported in **2024 SCC OnLine SC 2730** granted him bail despite the bar of Section 37 of the NDPS Act, considering the delay in conclusion of trial. Learned counsel also submits that this petitioner is in custody since 18.10.2024 without any specific allegation of dealing with the contraband. Learned counsel lastly submits that petitioner is having clean antecedent and charges have been framed against the petitioner.



6. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to other co-accused person and further considering the better footing of this petitioner compared to the co-accused who has been granted bail and also considering clean antecedent of the petitioner and absence of material to show the guilt of the petitioner, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Principal District and Sessions Judge, Araria / concerned Court, in connection with **Fulkaha P.S. Case No. 40 of 2024**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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