IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77962 of 2026

CNR No. BRHC011063312026

Arising Out of PS. Case No.-38 Year-2025 Thana- Bathnaha District- Araria

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Md. Mojib @ Md. Mojim @ Mohammad Mojim S/o Md. Hamirul @ Ainul @ Mohammad Ainul, Resident of Sonapur Ward no 11 P S Bathnaha District Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bathnaha PS Case No. 38 of 2025 instituted for the offences under Sections 21(c), 22 & 23 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution allegation, in short, is that total 2397 bottles of Eskuf Cough Syrup (100mL each) containing Codeine Phosphate has been recovered in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the

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present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner was not arrested from the spot and his name was disclosed during investigation. The petitioner is in custody since 08.02.2026 and has got three (3) criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted anticipatory bail by this Court vide order dated 19.09.2026, passed in Cr. Misc. No. 44648 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bathnaha PS Case No. 38 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

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(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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