

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74596 of 2025**

Arising Out of PS. Case No.-84 Year-2024 Thana- GALGALIYA District- Kishanganj

Murad @ Md. Murad S/o Noor Mohammad Resident of Churli, P.S.-  
Kurlikot, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      23-03-2026                      Heard Mr. Bhola Prasad, learned counsel for the  
  
petitioner and Mr. Ajay Kumar Jha, learned Additional Public  
  
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
28.10.2024 in Galgalia P.S. Case No. 84 of 2024, F.I.R. dated  
27.10.2024 for the offences punishable under Sections 8 and 21  
(c) of the Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Recovery is of 460.8 gm of brown sugar, one  
mobile phone and one silver color weight machine from the  
possession of the petitioner. Earlier the bail petitioner was  
rejected vide order dated 22.03.2025 in Cr.Misc. No. 14917 of  
2025.

4. Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act. He further submits that the police after investigation submitted the charge sheet on 12.01.2025 and charge has been framed against the petitioner on 23.04.2025 without the F.S.L report and the petitioner is in custody since 28.10.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is more than the commercial quantity hence, there is embargo under Section 37 of the N.D.P.S Act for grant of bail to the petitioner and apart from that trial has begun and out of nine charge sheet witnesses, two witnesses have been examined.

6. Considering the aforesaid facts and circumstances and the fact that charge has been framed against the petitioner without the F.S.L report, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Session Judge-cum-Special Judge (NDPS Act), Kishanganj in connection with Galgalia P.S. Case No. 84 of 2024, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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