

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78518 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- KODHOBARI District- Kishanganj

Abbas Ali S/o Abdul Salam R/o Village - Laxmipur Naya Hat, Ward no. 1, P.S
- Kodhobari, District -Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 27-02-2026 Heard learned Senior counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 8(c), 21(b) of the
N.D.P.S. Act.

3. As per the prosecution case, on secret
information, the informant along with joint team conducted
raid at the house of the petitioner and during search, 52.6 grams
of brown sugar was recovered from vehicle of the petitioner.

4. Learned Senior counsel for the petitioner
submits that a false recovery of 52.6 gram of brown sugar has
been shown from the vehicle of which the petitioner is the
owner. However, the recovery is more than small quantity but



much less than commercial quantity. It is also submitted that the process of search and seizure was not conducted in the presence of any independent witnesses and the mandatory provisions of the N.D.P.S. Act was also not complied. The petitioner is in custody since 19.06.2025 and charges have been framed on 22.01.2026.

5. Learned APP for the State opposed the grant of bail on the ground that the present case relates to N.D.P.S. Act and the petitioner has two criminal antecedents and one of them is also under the N.D.P.S. Act. In response it has been submitted that the case under N.D.P.S. Act is of the year 2017 and the petitioner is on bail in both the cases.

6. Taking into consideration the facts and circumstances and also considering the quantum of recovery and the charges having been framed, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Kishanganj/concerned Court below in connection with Kodhobari P.S. Case No. 51 of 2025 subject to condition that:-

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his



wife.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iii) In case the petitioner is accused in any other case under the provisions of NDPS Act, the learned Court concerned shall be at liberty to cancel the bail bond of the petitioner in the present case also.

(Soni Shrivastava, J)

anand/-

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