IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77033 of 2026

CNR No. BRHC011107272026

Arising Out of PS. Case No.-329 Year-2026 Thana- PHULPARAS District- Madhubani

==========

Md. Hifzur Rahman @ Rahman Son of Rafizuddin Resident of village- Paharpur Ps- Kalichak District- Malda West Bengal

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
Ms. Aanchal, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

==========

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned A.P.P. on behalf of the State.

2. This application is filed for grant of regular bail to the petitioner who has been made accused in connection with Phulparas P.S. Case No. 329 of 2026 corresponding to G.R. No. 131 of 2026, registered for the offences punishable under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. As per the prosecution, the informant received secret information and on raid, there was a recovery of 38.85 grams of brown sugar and mobile phones from the co-accused, namely, Dheeraj Tiwari who disclosed that he had obtained the brown sugar from the petitioner through one Sikandra Paswan.

WEB COPY

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the FIR and has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner and the alleged recovery of the contraband was made from the co-accused, namely, Dheeraj Tiwari.

5. It is further submitted that there is no independent witness of the alleged seizure list and the witnesses of the seizure list are police party and no photography was done during the search and seizure which is a clear violation of the mandatory provisions of Sections 42 and 50 of the N.D.P.S.

6. Learned counsel for the petitioner submits that the petitioner is in judicial custody since 07.09.2026 and is having one criminal antecedent in which he has been granted bail.

7. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the fact that the alleged recovered contraband falls under the category of ‘Intermediates quantity’ and is much below the commercial quantity and also taking into consideration the materials available on record, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand rupees) with two

WEB COPY

sureties of the like amount each to the satisfaction of the Court of learned Principal Sessions Judge, Madhubani in connection with Phulparas P.S. Case No. 329 of 2026 corresponding to G.R. No. 131 of 2026 on the following conditions:-

(i) That one of the bailors should be family member of the petitioner.

(ii) That the petitioner will cooperate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the Court, he should physically appear in Court on that date.

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

(Kumar Manish, J)

Ritwika/-

U		T	

WEB COPY