

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78320 of 2025

Arising Out of PS. Case No.-161 Year-2025 Thana- R S P.S. District- Araria

1. Md. Jasim @ Jasim Sah S/O Naim Sah R/O Vill.- Rajokhar, Ward no. 12, P.S.- Araria R.S., Dist.- Araria.
2. Md. Nabab S/O Shaukat @ Md. Shaukat R/O Vill.- Rajokhar, Ward no. 03, P.S.- Araria R.S., Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 06-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with RS PS Case No. 161 of 2025 instituted for the offences under Sections 8(c) & 21(b) of the NDPS Act.

3. The prosecution case, in brief, is that on 30.08.2025 at about 5:30 PM, police raided the house of petitioner No.1 Jasim Sah at Rajokhar Jatwara Tola and apprehended the petitioners and co-accused Md. Wasim. It is alleged that about 10 grams of smack, a digital scale, aluminium wrappers, two mobile phones, Rs. 6,784/- cash, and a Paytm QR code in Jasim Sah's (petitioner) name were recovered.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners further submits that petitioners have no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Learned counsel for the petitioners further submits that other co-accused Md. Wasim @ Wasim has been granted bail by this Bench vide order dated 10.11.2025 passed in Cr. Misc. No. 75449 of 2025. The petitioners are in custody since 31.08.2025. The petitioner No.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioner No.1 Md. Jasim @ Jasim Sah, be



released on bail, *after framing of charge, if not already framed*, and petitioner no.2 Md. Nabab, be released on bail, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with RS PS Case No. 161 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioners' own or close member.

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

(III) The petitioners shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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