IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78931 of 2026

CNR No. BRHC011111092026

Arising Out of PS. Case No.-63 Year-2026 Thana- NAKARDEI District- East Champaran

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Jakir Hussain @ Mohammad Jakir Hussain S/o Late Jal Mohammad R/o Village - Sirisiya Mal, P.S - Nakardei, District - East Champaran, Bihar - 845305

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mohd Rustam Hussain, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in N.D.P.S Case No. 184 of 2026, CIS No. 184 of 2026 arising out of Nakardei P.S. Case No. 63 of 2026 instituted for the offences under Section 317(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 8(c), 21(b), 25 and 29 of the N.D.P.S. Act. Subsequently, charge has been framed under Sections 21(b), 23(b), 25 and 29 of the N.D.P.S Act.

3. Prosecution allegation, in short, is that 36.45 grams smack was recovered from the possession of co-accused. There is also recovery of Indian and Nepali rupees from the co-

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accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to dirty village politics. The petitioner is in custody since 04.07.2026 and has got three criminal antecedents. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of contraband. It is further submitted that the name of the petitioner has transpired on the confessional statement of co-accused, namely Babulal Yadav. Charge has been framed in this case. 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. 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the recovered contraband below commercial quantity, 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

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of the like amount each to the satisfaction of Court below/concerned Court in connection with N.D.P.S Case No. 184 of 2026, CIS No. 184 of 2026 arising out of Nakardei P.S. Case No. 63 of 2026, subject to the following conditions:

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

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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