IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82331 of 2026

CNR No. BRHC011193942026

Arising Out of PS. Case No.-230 Year-2026 Thana- THAKURGANJ District- Kishanganj

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AHMAD HUSSAIN Son of Ramjan Resident of Village - Baramani (Baramuni), P.S.- Powakhali, District - Kishanganj.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Rajeev Ranjan, Adv.
For the Opposite Party : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Thakurganj P.S. Case No.230 of 2026 registered for the offences punishable under Sections 8(c), 21(b) and 29 of the NDPS Act.

3. The petitioner is named in the FIR and is in custody since 28.07.2026.

4. As per FIR, petitioner alleged to be have in possession of 12.7 grams of smack and also with one chilam(smoking pipe).

5. It is submitted by learned counsel appearing for

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the petitioner that alleged recovery was said to be made from physical possession of this petitioner, where FIR fails to suggest compliance of mandatory provision of personal search as available under Section 50 of NDPS Act. It is submitted that recovered quantity is much less than commercial quantity i.e. 250 grams or more in the present case and, therefore, rigors of Section 37 of NDPS Act not appears applicable. While concluding argument, it is submitted that investigation of this case has already been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of the fact as recovered quantity is less than commercial quantity coupled with the fact that investigation of this case has already been completed, wherein petitioner being man of clean antecedent remains in custody since 28.07.2026 accordingly, the petitioner, above-named, is

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directed to be released on bail 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, in connection with Thakurganj P.S. Case No.230 of 2026, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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