

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84448 of 2025

Arising out of PS. Case No.-442 Year-2025 Thana- ARARIA District- Araria

Amjad Ali @ Rinku Son of Salauddin Resident of village - Sisouna, Gaiyari,
Ward No.- 02, P.S.- Araria, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 05-01-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 8(c) and 21(b) of Narcotic Drugs & Psychotropic Substance Act. He has two criminal antecedents.

3. As per the prosecution case, on secret information that smack was being smuggled from the house of Amjad Ali @ Rinku (Petitioner), it was raided and two persons tried to flee. The police team chased, however, one person was apprehended who disclosed his name as Amjad Ali @ Rinku (Petitioner) and the other managed to escape. It is further alleged that on search total 40 Grams of smack like substance was recovered along with Rs. 2,63,556/- cash and weighing machine .

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case and admittedly from mere perusal of the FIR it would be clear that the smack was being taken by the co-accused Gulshan Kumar who had thrown it in the house of the petitioner and fled. It is further submitted that no incriminating article was recovered from the conscious possession of the petitioner rather the same was recovered from the room which was thrown by the co-accused. It is next submitted by the petitioner that the quantity falls in the intermediate category and is less than the commercial quantity and the procedure has not been followed as prescribed under NDPS Act. It is lastly submitted that the petitioner has two criminal antecedents and he is in custody since 28.10.2025..

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the petitioner is in custody since 28.10.2025, the petitioner above named, is directed to 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 Principal District & Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria in connection with Araria P.S. Case No. 442 of 2025, subject to the



the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except two cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made



in this order, shall be of no bearing during the trial.

8. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Araria within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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