

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85387 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- BANMANKHI District- Purnia

Md. Aslam S/o Late Wajid Ali R/o Vill- Banmankhi, Bishunpur dat Ward No. 16, P.S.- Banmakhi, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 06-01-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Special Case No. 102 of 2025, arising out of Banmankhi P.S. Case No. 33 of 2025, dated 27.01.2025, instituted for the offences under Sections 8(c)/21(b) of the N.D.P.S. Act.

3. As per prosecution case, the Police on secret information intercepted few person and on search the petitioner is alleged to have been found with 4.20 Gm smack/brown sugar.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated and no such recovery as alleged has been made. It has next been



submitted that even if the allegations are taken on its face value, the quantity is below the small quantity and, therefore, the rigors of Section 37 of the N.D.P.S. Act will not be attracted. It has lastly been submitted that the petitioner though has one criminal case of similar nature and he is in custody since 28.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and stated that the petitioner is a habitual offender and involved in a similar nature of case and therefore, he should not be released on bail.

6. Considering the aforesaid submissions, 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 2nd District and Additional Sessions Judge (N.D.P.S. Act), Purnea in connection with Special Case No. 102 of 2025, arising out of Banmankhi P.S. Case No. 33 of 2025, subject to 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 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.

(v). In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, 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.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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