

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85992 of 2025

Arising Out of PS. Case No.-412 Year-2025 Thana- ARARIA District- Araria

Tamash Alam @ Tamasha Alam Son of Md. Azim Alam @ Ajj Alam @ Md. Aziz Resident of Village - Lahtora Ward no. 01, P.S. - Araria, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Araria P.S. Case No. 412 of 2025 dated 30.09.2025 registered for the offence(s) punishable under Section (s) 8(c) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, the informant received secret information that two persons were involved in selling and smuggling of the smack. A raid was conducted and two persons were apprehended, who disclosed their names as Tamash Alam @ Tamasha Alam (petitioner) and Moid Alam. On search, total 6 gms. of smack was recovered from the petitioner while 8 gms. was recovered from the co-accused, Moid Alam.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case and no such recovery of incriminating article has been recovered from the conscious possession of the petitioner. It has next been submitted that the recovery of 6 gms. of smack from the possession of the petitioner falls within the intermediate category and thus the rigors of section 37 of the N.D.P.S. act is not attracted in the present case. It has further been submitted that the police had not followed the procedure as provided under Section 50 of the N.D.P.S. Act. It has lastly been submitted that the petitioner has one criminal antecedent and he is in custody since 01.10.2025.

5. Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Araria P.S. Case No. 412 of 2025, subject to the following terms and conditions :-

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



(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(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 cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of 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, Araria, within fifteen (15) 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 concerned Superintendent of Police 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 of the petitioner 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.

8. The application stands allowed.

(Sourendra Pandey, J)

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