

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87774 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- JIYAPOKHAR District- Kishanganj

Md. Akhtar Hussain @ Akhtar Hussain @ Md. Akhtar S/O Late A Rahman
R/O Mirchan Basti, Jiyapokhar, P.S- Jiyapokhar, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha, Adv
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 11-02-2026 Heard Mr. Pankaj Kumar Sinha, learned counsel for
the petitioner and learned APP for the State.

2. This is the second attempt on behalf of the
petitioner for grant of bail in connection with NDPS .Case No.
13 of 2025 registered for the offence punishable under Section
8C,21(b) of the N.D.P.S. Act.

3. Earlier the bail application of the petitioner has
been rejected vide order dated 23.10.2024 passed in Cr. Misc.
No.75381 of 2024, which reads as under:-

*Heard learned Senior Counsel
for the petitioner and learned APP for the
State.*



2. *This application is for grant of regular bail inconnection with Jiyapokhar P.S. Case No.25 of 2024, registered for the offences under Sections 8 (c), 21(b) of the NDPS Act.*

3. *As per the F.I.R., the recovery is of 25.50 gm of MDMA from the house of the petitioner.*

4. *Learned Senior Counsel for the petitioner submitted that the recovery is not from the petitioner but it is a planted recovery and in violation of Section 50 of NDPS Act. The petitioner is in custody since 29.12.2024 and he has one criminal antecedent. the bail application.*

5. *Learned APP for the State vehemently opposed the bail application.*

6. *The commercial quantity of MDMA is 10 gm and recovery is much more than the commercial quantity.*

7. *Considering the bar of Section 37 of the NDPS Act which deals in grant of bail in commercial quantity in cases where the recovery is of commercial quantity, I am not inclined to extend the privilege of regular bail to the petitioner.*

8. *Accordingly, this application is dismissed.*

4. Learned counsel for the petitioner submits that the charge has been framed. It is submits that out of 8 witnesses 2 witnesses have been examined and the trial is proceeded.

5. Considering the fact that more than commercial quantity of MDMA has been recovered from the house of the petitioner I am not inclined to review my earlier order.



6. Accordingly, the application stands dismissed.

(Sandeep Kumar, J)

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