

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91000 of 2025

Arising Out of PS. Case No.-271 Year-2025 Thana- KRITYANAND NAGAR District-
Purnia

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Md. Izrail Alam S/o Md. Gaffar R/o Village- Islampur, P.S- K Nagar, Dist-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-01-2026 Heard Mr.Abhishek, learned counsel for the petitioner
and Mr.Mukesh Kumar Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
31.10.2025 in connection with K.Nagar P.S.Case No. 271 of
2025, FIR dated 31.10.2025 registered for the offence
punishable under Sections Sections 8(c)/21(c) of N.D.P.S.Act.

3. Recovery is of 28 pieces containing 100 ml. in each
bottle Codeine Syrup (Total 2.8 Liters).

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from
the FIR that altogether 28 pieces containing 100 ml. in each
bottle Codeine Syrup (Total 2.8 Liters) has been recovered
from the shop of the petitioner. Learned counsel for the



petitioner submits that the seized article is not under the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S.Act for grant of bail to the petitioner and there is non-compliance of mandatory provisions of NDPS Act and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.10.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner but fairly submits that the recovered article is less than the commercial quantity.

6. Considering the aforesaid facts, petitioner has clean antecedent and the recovered article is less than the commercial quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (NDPS Act), Purnea in connection with K.Nagar P.S.Case No. 271 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 or in the name of verification.

(Rajesh Kumar Verma, J)

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