

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90392 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- DIGHALBANK District- Kishanganj

Hasnain S/O Md Shakir Alam R/O Village- Doria, P.S- Jiopokhar, Distt.-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-01-2026 Heard Mr.Ram Prawesh Kumar, learned counsel for
the petitioner and Mr.Bharat Bhushan, learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
28.07.2025 in connection with Dighalbank P.S. Case
No.140/2025, dated 28.07.2025 registered for the offences
punishable under Sections 8(c),21(b) of NDPS Act.

3. Recovery is of 132.20 Grams of brown colour
powder like contraband substance.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation
as alleged in the FIR is false and fabricated and the petitioner
has not committed any offence as alleged in the FIR. It appears
from the FIR that altogether 132.20 Grams of brown colour



powder like contraband substance was recovered from possession of the petitioner. Learned counsel for the petitioner submits that the prosecution has filed the chargesheet on 20.09.2025 apart from the aforesaid, recovered contraband is less than 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 the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.07.2025.

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 contraband is less than the commercial quantity.

6. Considering the aforesaid facts, petitioner has clean antecedent and the recovered contraband is less than the commercial quantity and police, without FSL Report, has filed the chargesheet against the petitioner, 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 Sessions Judge-cum-Special Judge, (NDPS Act), Kishanganj in connection with Dighalbank P.S. Case No.140/2025, 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)

Nitesh/-

U		T	
---	--	---	--

