

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90725 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- SIKTI District- Araria

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1. Mohammad Rizwan Son of Late Tafezul Resident of village- Kelabari, Ward no. 04, Ps- Sikty, Dist- Araria
 2. Bauna Kasim @ Kasim Son of Md. Iliyas Resident of village- Kelabari, Ward no. 04, Ps- Sikty, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 24-06-2026 Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Sikty P.S. Case no. 181 of 2025 registered under sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and section 111 of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, 500 packets i.e. a total of 5000 tablets of Diey Lomme HCL I.P. 20 mg tablets and 980 packets i.e. a total of 9800 tablets of Tramadol Hydro Chloride I.P. 50 mg capsules is said to have been recovered from the possession of the petitioners and they were taken into custody.

4. Learned counsel for the petitioners submits that no



incriminating article has been recovered from the petitioners' possession who have been falsely implicated in the case. They have no concern with the seized tablets or capsules nor with the seized motorcycle. No case under section 21 or 22 of the NDPS Act or the Drugs and Cosmetics Act is made out against the petitioners. The witnesses to the seizure list are not independent. There has been violation of section 103 of the BNSS and the chargesheet was submitted on 24.12.2025 without any FSL report being available on record which has been submitted and included with the case diary only on 20.1.2026. The petitioners have no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the FIR, the material that has transpired in course of investigation specially the petitioners not having any concern with the seized motorcycle, chargesheet having been submitted in the learned Court below without the FSL report, the petitioners being in custody since 4.10.2025, investigation in the case having concluded and specially the petitioners not having an criminal antecedent, both the petitioners are directed to be enlarged on bail in connection with Sikty P.S. Case no. 181 of 2025



on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Araria on the following conditions:

(i) In case it subsequently transpires that either of the petitioners have any criminal antecedent, the prosecution will be at liberty to move this Court for cancellation of the bail granted to the petitioners.

(ii) The petitioners shall remain physically present in the learned trial Court and shall cooperate in the trial.

(iii) In case the petitioners are absent on any single date for reasons not to the satisfaction of the learned trial Court, or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation of the petitioners, the learned trial Court may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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