

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3500 of 2026

Arising Out of PS. Case No.-93 Year-2020 Thana- BARURAJ District- Muzaffarpur

Naushad Alam S/o- Md. Hasim R/v- Kolhara Nath Ps- Madhuban Dist- East
Champaran, Motihari, P/A- Ashok Chowk Ps- Sahebganj Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with NDPS Case No. 42 of 2020 arising out of Baruraj P.S. Case No. 93 of 2020 registered for the alleged offences under Sections 399/402 of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act and Sections 8, 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, an information was received about assembly of four miscreants at certain identified place who were talking about selling cannabis. A raid was conducted and petitioner and other two co-accused persons were apprehended. Fourth miscreant fled away on his motorcycle.



From the search of the petitioner, recovery of one packet of cannabis, two mobile phones and a country made revolver loaded with a live cartridge was made. From the co-accused, Anand Kumar @ Gajju, one packet of cannabis was recovered apart from a mobile phone and a country made pistol loaded with two live cartridges and from the co-accused, Naveen Kumar, one live cartridge was recovered. At the instance of petitioner and co-accused Anand Kumar @ Gajju, fourth miscreant, Prabhat Kumar, was also apprehended carrying a country made pistol.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been dragged in this case due to his criminal antecedent as he carries antecedent of nine cases. Learned counsel further submits that a composite seizure list has been prepared for recovery shown from the petitioner and co-accused Anand Kumar @ Gajju and Naveen Kumar and total recovery of 500 grams of cannabis has been shown, which is much less than the commercial quantity and more than the small quantity. Learned counsel further submits that similarly placed co-accused persons, namely Anand Kumar @ Gajju, has been granted bail by a Co-ordinate Bench vide order dated



24.07.2021 passed in Criminal Misc. No. 108 of 2021 and subsequently apprehended co-accused Prabhat Kumar and co-accused Naveen Kumar have also been granted bail by the same Co-ordinate Bench vide order dated 08.03.2021 passed in Criminal Misc. No. 39091 of 2020 and order dated 30.07.2021 passed in Criminal Misc. No. 6277 of 2021, respectively. Learned counsel further submits that the petitioner has been sufficiently penalized and he is in custody since 31.05.2020. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that recovery of cannabis has been made from this petitioner who is having antecedent of nine cases of serious nature.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet and grant of bail to similarly placed co-accused, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, NDPS Act, Muzaffarpur/court concerned in connection with NDPS Case No. 42 of 2020



arising out of Baruraj P.S. Case No. 93 of 2020, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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