

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1687 of 2026

Arising Out of PS. Case No.-52 Year-2025 Thana- JOGBANI District- Araria

Md. Eido @ Eid Mohammad S/o Md. Abbas Resident of Village- Khajurvari,
Ward No. 10, P.S.- Jogbani, Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2026 Heard Mr. Madan Mohan, learned counsel for the

petitioner and Mr. Nitya Nand Tiwary, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.10.2025 in connection with Jogbani P.S. Case No. 52 of
2025, F.I.R. dated 24.04.2025 for the offences punishable under
Sections 21, 22 of the Narcotic Drugs & Psychotropic Substance
Act, 1985.

3. Recovery is of 40 gram of smack.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. The petitioner is not named in the FIR and his
name transpired on the basis of confessional statement of co-
accused person, namely, Chandu Kumar. It appears from the
FIR and seizure list that recovery has been made from the
possession of said Chandu Kumar and nothing has been



recovered from the conscious possession of the petitioner. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the 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. He further submits that the police after investigation submitted the charge sheet. The petitioner is in custody since 03.10.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that name of the petitioner transpired on the basis of confessional statement of co-accused person and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from the conscious possession of the petitioner and his name transpired on the basis of confessional statement of co-accused person, 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 the learned Special



Judge, NDPS, Araria in connection with Jogbani P.S. Case No. 52 of 2025, subject to 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 absence on two consecutive dates without sufficient reason, his 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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