

In the Court of Sessions Judge, Supaul

A.B.A.-314/2026

(Arising out of Birpur PS Case No:-86/2024)

	<p>Firoz Alam, S/o- Abdul Haque, R/o- Teenkhambha Bela, Ward No.01, PS- Basmatiya, District- Arariya;</p> <p style="text-align: right;">.....Accused/Petitioner</p> <p style="text-align: center;">Vs.</p> <p>State of Bihar.O.P.</p> <hr/>
<u>26/03/2026</u>	<p>Ld. Counsel for petitioner Sri. Binod Kant Jha, Advocate.</p> <p>Ld. Spl. P.P Sri. Shyam Sundar Prasad, for the State.</p> <p>By this order we are going to dispose off the anticipatory bail application filed on behalf of accused/ petitioner, namely Firoz Alam, who is apprehending his arrest in connection with Birpur PS case No.86/2024, u/s- 8/20(b)(ii)(c) of N.D.P.S. Act.</p> <p>Ld. counsel for the accused/ petitioner submitted that accused/ petitioner is quite innocent and has committed no crime and he has falsely been implicated in this case out of grudge, malice and dirty party politics. He further submitted that accused/ petitioner is also involved in two other criminal cases. He further submitted that no any contraband has been recovered from the conscious possession of the accused/ petitioner and he has been framed in the instant case only on the basis of confessional statement of co-accused Raushan Kumar Paswan. He further submitted that the offence as alleged in FIR is not applicable against the accused/ petitioner. It is also submitted that accused/ petitioner is ready to abide by the provisions of section 482 of B.N.S.S, so he may be admitted to the anticipatory bail.</p> <p>Ld. Spl. PP for the State strongly opposed the anticipatory bail application.</p> <p>In brief, the prosecution story is that on dated 08.03.2024, a secret information was received by the informant namely Ajay Naithani, Assistant Commandant, SSB and on that basis, he prepared a raiding party and at about 10:30 P.M., near Refugee Colony between pillar No.200 and 201 at about 03:00 A.M., three accused persons having the white colour bag in their hand coming from Nepal side and when they reached near the raiding party, the members of the raiding party have tried to overpower them, but two of them were managed to run away from the place of occurrence after throwing their plastic bags. However, one accused namely Raushan Kumar Paswan was overpowered by the raiding party. Thereafter, the apprehended accused Raushan Kumar Paswan was duly interrogated and notice u/s-50 of NDPS Act was also served to him and in presence of independent witnesses the plastic bag was duly searched and from that plastic bag total 93 K.G of illicit Ganja was recovered in several packets. Thereafter, the seizure list was prepared and after registration of FIR, the accused Raushan Kumar Paswan was duly arrested.</p> <p style="text-align: right;">Argument heard from both sides and perused the record as well as case diary. On</p>
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perusal of the case diary, it transpires that the members of the raiding party namely Ashok Kumar, Sub-Inspector and constable Richhpal Singh have duly supported the prosecution case. On minute scrutiny of the entire record, it also transpires that three accused persons including this accused/ petitioner were coming from the Nepal side and trying to enter into India from Indo-Nepal Border with illicit Ganja and the SSB Team has tried to overpower them but two of them have managed to run away from the place of occurrence. However, one of the accused namely Raushan Kumar Paswan was overpowered by the police team and from his conscious possession **93 KG of illicit Ganja** was recovered, which is much more grater than commercial quantity as prescribed under NDPS Act. The police has also recorded the confessional statement of the apprehended accused Raushan Kumar Paswan and he specifically disclosed the names of this accused/ petitioner Firoz Alam and stated that Firoz Alam has enticed him to bring the Ganja from Nepal. Thereafter, the apprehended accused Raushan Kumar Paswan, Ram Kumar and this accused/ petitioner Firoz Alam were brought the illicit Ganja from Nepal and when the SSB Team tried to overpower them then this accused/ petitioner was ran away from the place of occurrence. It is pertinent to mention here that this accused/ petitioner is also earlier involved in two other criminal cases i.e., Basmatiya PS Case No.18/15, u/s- 21(c)/ 22/23 of NDPS Act and Narpatganj PS Case No. 97/23, u/s- 341, 323, 324, 379, 504, 506/ 34 of IPC. The allegation against this accused/ petitioner is very serious in nature. Since this accused/ petitioner is also earlier involved in one more case of NDPS Act, there is apparent proof against him. The investigation of this case against this accused/ petitioner is in primary stage. The custodial interrogation of the accused/ petitioner is also required. The tempering of the prosecution evidence is also cannot be ruled out. It is also pertinent to mention here that in the border area there is rampant cases of NDPS Act and there is strong apprehension of international import and export of illicit Ganja.

Keeping in mind the seriousness of the allegation, previous involvement of the accused/ petitioner and the quantity of the recovered Ganja, which is much more than the commercial quantity, I find that accused/ petitioner is not entitled to get the benefit of anticipatory bail. As such, the prayer of the anticipatory bail, on behalf of accused/ petitioner namely Firoz Alam, is hereby, **Rejected**.

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul