

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1494 of 2019

Arising Out of PS. Case No.-179 Year-2018 Thana- KURSAKANTA District- Araria

Md. Afzal, aged about 41 years, son of Kamruddin @ Md. Quamruddin,
resident of Village Sisouna, P. S. Jokihat, District Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. N. K. Agrawal, Sr. Adv. Mr. Diwakar Upadhyaya, Adv.
For the Opposite Party/s :	Mr. Rampriya Saran Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 15-03-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 22, 24 and 29 of the
N.D.P.S. Act.

382 grams of Heroin is said to have been
recovered from the tool box of a motorcycle which was being
driven by the petitioner.

Submission on behalf of the petitioner is that
nothing was recovered from conscious possession of the
petitioner and, as a matter of fact, he was arrested only on mere
suspicion. Furthermore, it is submitted on behalf of the
petitioner that according to the prosecution case, after recovery



of Heroin, seizure list was prepared but the seizure list does not bear the signature of the petitioner and, therefore, there is clear cut violation of Section 100 of Criminal Procedure Code.

On the other hand, learned Additional Public Prosecutor opposed the prayer for bail on the ground that the alleged recovery comes under the purview of commercial quantity.

No doubt, there is rider under Section 37 of N.D.P.S. Act in granting bail in the cases instituted under the N.D.P.S Act but in the present case, there is no criminal antecedent of the petitioner which is evident from perusal of para 3 of the Petition and moreover, as per submission advanced on behalf of the petitioner, the seizure list does not bear the signature of the petitioner and, therefore, there appears to be violation of Section 100 of the Criminal Procedure Code. Moreover, petitioner is in jail custody since 12.08.2018.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, 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 Special Judge (NDPS) cum Sessions Judge, Araria in connection with Special Case No. 19



of 2018 corresponding to Kursakanta (Sonamani godam) P.S.
Case No. 179 of 2018.

(Hemant Kumar Srivastava, J)

N.K/-

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

