

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13484 of 2022

Arising Out of PS. Case No.-1093 Year-2021 Thana- KHAJANCHI HAT District- Purnia

MD. SULTAN Son of Md. Salim Resident of Village- DAV Chowk,
Mohammad Nagar Ward No. 4, P.S. - K. Hat (Madhubani), District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Sections 8(C) and 21(B) of the NDPS Act.

Allegedly, from the person/ possession of this petitioner

09 gram narcotic material like brown sugar was recovered.

The main submissions advanced by the learned counsel

for the petitioner are that police have submitted charge sheet against

the petitioner without obtaining FSL report of the alleged seized

narcotic material, petitioner has got no criminal antecedent and

alleged recovered material is less than commercial quantity and more

than small quantity and petitioner is languishing in jail since

22.11.2021.



Learned APP has opposed the prayer for bail.

Having considered above submissions, mainly alleged material seized is less than commercial quantity and at para 3 of the petition, petitioner has got no criminal antecedent and is languishing in jail since 22.11.2021, let the petitioner 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 Special Judge, NDPS Act, Purnea in Special (NDPS) Case no. 02 of 2022/CIS No. 02 of 2022 arising out of K. Hat (Madhubani) P.S Case No. 1093 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below



shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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