

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21236 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- AIRPORT District- Patna

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MOHAMMAD SADAM Son of Mohammad Ajmat Ali Resident of Mohalla -
Samanpura, Pillar No.- 50, P.S.- Shastrinagar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2022 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)/21(a)/29 of the NDPS Act.

Allegedly, from the possession of this petitioner 04 gram

narcotic material suspected to be brown sugar was recovered and at

the same time narcotic material suspected to be brown sugar was also

recovered from the possession of other co-accused persons.

The main submissions advanced by the learned counsel

for the petitioner are that alleged recovered quantity suspected to be

narcotic material comes under the purview of small quantity and

against the petitioner, there is criminal antecedent of four cases in

which he is on bail. Further submission is that petitioner has been



languishing in jail since 04.10.2021 and provision of section 50 of NDPS Act was not followed by the concerned police.

Learned APP has opposed the prayer for bail but accepted that alleged recovered narcotic comes under the purview of small quantity.

Heard both sides and perused the seizure list attached with the FIR. In view of above submissions and considering that suspected narcotic material comes under the purview of small quantity, petitioner has been languishing in jail since 04.10.2021 and for the alleged wrong act maximum punishment is one year, accordingly, in light of these facts, petitioner deserves privilege of bail. 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 Addl. Sessions Judge XVI, Patna in Special Case no. 141/ 2021 arising out of Hawai Adda P.S Case No. 245 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.

(Shailendra Singh, J)

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