

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30060 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- PURNEA SADAR District- Purnia

Kaifi Ziya S/o Md. Imtiyaz @ Imtiyaz Alam R/o village- Sanjheli Mahamdia
Ward No. 12, P.S.- Kasba, District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Snr. Advocate.
	:	Mr. Nadimul Hasan, Advocate.
For the Opposite Party/s	:	Mr. Murli Dhar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Mr. Nadimul Hasan, learned counsel for the petitioner and Mr. Murli Dhar, learned APP for the State are present.

Petitioner seeks regular bail in connection with Purnea Sadar P.S. case no. 225 of 2022 registered for the offence punishable under Sections 8(c)/ 21(b) of the NDPS Act.

As per allegation 17.40 gm suspected Smack like narcotic material was recovered from possession of this petitioner.

The main submissions advanced by Mr. N.K. Agrawal, learned senior counsel for the petitioner are that the



petitioner is a student of intermediate class, while recovering and seizing the alleged contraband the mandatory provisions of search mentioned in Section 50 of the NDPS Act were not complied by the police and the alleged recovered contraband comes under the purview of lesser than commercial quantity and without obtaining the FSL report the petitioner has been charge-sheeted in respect of the alleged recovery of the contraband and he has been languishing in jail since 2.4.2022.

Learned APP has opposed the prayer for bail.

In view of the above submissions and considering the quantity of alleged recovered contraband which is suspected to be Smack like substance and the same comes under the purview of less than commercial quantity and petitioner is stated to be a student of intermediate class having clean antecedent, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, 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 concerned Court in connection with Purnea Sadar P.S. case No. 225 of 2022 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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