

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69816 of 2021

Arising Out of PS. Case No.-832 Year-2021 Thana- MADHEPURA District- Madhepura

MD. SADDAM HUSAIN S/o Md. Akhtar Husain Resident of Village -
Bisanpur, Ward No. -09, P.S.- Goalpara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 26.10.2021,
seeks regular bail in connection with N.D.P.S. Case No. 28 of
2021, arising out of Madhepura P.S. Case No. 832 of 2021, for
the offence punishable under Section 22, 21 and 23 of the
N.D.P.S. Act.

The prosecution case, in brief, is that 10 grams of
Ganja was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has been made prey due to dirty



village politics. He further submits that only 10 gram of Marijuana was recovered from the pocket of the petitioner, in course of counting of the vote, the alleged contraband found in the pocket of the petitioner seems to have been kept by the rival party. He further submits that petitioner is a student and has to take examination of Central Teachers Eligibility Test (in short CTET), which is conducted by Central Board of Secondary Education. He further submits that petitioner has annexed provisional Admit Card issued to him from which it appears that the date of examination for the aforesaid CTET is to be held on 10.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, considering the small quantity of contraband, which is only 10 gram. Further, prima facie, it appears that the petitioner has been implicated in this case by the rival parties in course of conduct of counting of votes for the Mukhiya of the village, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Madhepura, in



connection with NDPS Case No. 28 of 2021, arising out of Madhepura P.S. Case No. 832 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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