

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11349 of 2023

Arising Out of PS. Case No.-74 Year-2021 Thana- ADAPUR District- East Champaran

Sheikh Karmullah S/o Late Sheikh Akbar Miyan R/V- Sirisiya, P.S.-
Nakardehi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate.
For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 26-04-2023 Heard Mr. Krishna Kant Singh, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 28 of 2021 arising out of Adapur P.S. Case
No. 74 of 2021 for the offence punishable under Sections
8(c)/21(c)/25 of the N.D.P.S. Act.

3. Learned counsel appearing on behalf of the
petitioner informs this Court that earlier bail application of the
petitioner was rejected vide order dated 18.04.2022 passed in
Cr. Misc. No. 42329 of 2021 on the ground that 1 Kg. of
Morphine was recovered from the possession of the petitioner.
Now, the petitioner has renewed the prayer for grant of bail on
the ground that he has personal information that very small
quantity much less than 1 Kg. was recovered from the



possession of the petitioner.

4. This Court vide order dated 05.04.2023 had directed to furnish report with respect to actual content of morphine (prototype opiate i.e. highly potent opiate analgesic psychoactive drug) which is found in the commercial drug commonly known as Morphine. A report has been furnished before this Court under the Signature of Assistant Director and the Incharge Director, Regional Forensic Science Laboratory, Muzaffarpur, Government of Bihar.

5. Learned counsel appearing on behalf of the State submits that on perusal of the report, it appears that only 30 grams of prototype opiate has been found from the seized substance from the possession of the petitioner.

6. Considering the fact that the report reveals that the total content of Analgesic psychoactive drug is 30 grams which is less than the maximum quantity and above the minimum quantity, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum Special Judge, NDPS, East Champaran, Motihari in connection with N.D.P.S. Case No. 28 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.

(5) The petitioner will make his attendance before the concerned police station under which his house is located every Wednesday at 9 AM till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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