

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12105 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- SARSI District- Purnia

Md. Ekhlague @ Md Akhlak Son Of Md. Muslim R/V- Budhiya Akhitarpur,
P.S- Sarssi, Dist- Purnia

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr. Dr. Bidhu Ranjan, Advocate
	:	Mr. Kumar Rajdeep, Advocate
	:	Mr. Diksha Kumari, Advocate
For the Opposite Party	:	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sarsi P.S. Case No. 290 of 2022, instituted for the offences punishable under Sections 8(c), 21(b) and 22(b) of the Narcotic Drugs and Psychotropic Substance Act.

3. The case of the prosecution in short is that on getting information, informant along with raiding team (including police official, S.H.O. and Magistrate) raided the house of the petitioner and on search, 12 *Puria* of Brown Sugar (smack), which was weighted as 75.38 grams has been recovered from the room of his house.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioner. In seizure list, there is only signature of S.H.O. and one police official even after the presence of the Magistrate the signature is not of the Magistrate on the seizure memo and as such the search was not in accordance with law. It is further submitted that there is recovery of smack but it has not been disclosed in the First Information Report that the sample has been taken from the seized article and without making sample separately, the present First Information Report has been lodged, which is contrary to the law. Moreover, the quantity of the seized article was less than the commercial quantity and more than the small quantity. Lastly, it has been submitted that the petitioner is in custody since 17.12.2022, having criminal antecedent of one case and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S. Act, Purnia in Sarsi P.S. Case No. 290 of 2022, subject to the following conditions:-

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

(ii). One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii). The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv). 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.

(Khatim Reza, J)

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