

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20990 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Sahnawaj Alam @ Tinku Son Of Md Anwar Resident Of Village-
Makhatakia, P.S.- Naugachia, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate
		Mr. Binay Kumar, Advocate
For the Opposite Party/s	:	Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Naugachia P.S. Case No. 294 of 2022 (NDPS No. 113 of 2022) registered on 28.09.2022 for the alleged offences under Sections 413, 414/34 of the Indian Penal Code, Sections 08, 17(b), 22(b) of the NDPS Act and Sections 25(1-B)A, 26 of the Arms Act.

3. As per prosecution case, in a drive against selling of smack the petitioner was apprehended and from his possession 28 sachets of smack weighing 5.10 gms were recovered. Cash of Rs.20,000/- was also recovered from the possession of the petitioner which is stated to be sale proceed of



the smack.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and has been falsely implicated in this case. Seizure list has not been prepared according to the provisions of law and there is no compliance of Section 50 of the NDPS Act. The total recovered contraband is 5.10 gms containing the weight of the sachets also and if the same is weighed after removing its weight, the quantity will be less than 5 gms. The petitioner is in custody since 29.09.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner was caught red handed with the contraband and co-accused named him as the person, who has been supplying contraband to co-accused persons.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of the contraband recovered from the petitioner along with the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I,



Bhagalpur/concerned court in connection with Naugachia P.S.
Case No. 294 of 2022 (NDPS No. 113 of 2022), subject to the
conditions mentioned in Section 437(3) of the Code of Criminal
Procedure and also the following conditions :

- (i) One of the bailors will be a close relative
of the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bonds of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

