

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29719 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Imteyaj Quraishi @ Imtiyaz Quraishi @ Imtiyaz Kuraishi Son Of Late
Sadrudeen Kuraishi R/O Village- Belauri, P.S.- Mohania, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Adv
		Mr. Pawan Kumar Singh, Adv
For the Opposite Party/s	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Mohania P.S. Case No. 121 of 2022 registered under Sections 8(c)/21(b)/27(A) of the N.D.P.S Act.

It is alleged that 38 sachets have been recovered from the petitioner's pocket along with some liquor.

Learned counsel for the petitioner submits that the same recovery led to lodging of Mohania P.S. Case No. 122/2022. Apart from that there is one more case against the petitioner for offences



under Bihar Prohibition and Excise Act (Excise P.S. Case No. 1900/2017). Referring to the seizure memo, it is pointed out that the total quantum of recovery (*heroin*) is stated to be 8.75 gms, along with the paper/packaging. He submits that it is only under such circumstance that the same has been shown to be above small quantity. The allegation of the same being above small quantity (5 gm) is not tenable. The petitioner has no earlier case under the N.D.P.S. Act and he is in custody since 15.03.2022.

Learned APP has opposed the prayer. It is submitted that contraband has been recovered from the petitioner and he also has antecedents, though not under N.D.P.S Act.

Considering the rival submissions, the seizure memo, period of custody, and the fact that recovery, even if taken to be true, is slightly above the small quantity, this Court is inclined to allow the prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Kaimur at Bhabua in Mohania P.S. Case No. 121 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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