

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35691 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- BUXAR District- Buxar

SARAFAT ALI son of Late Salam Khan Mohalla- Shantinagar ward no-33,
Ps- Buxar (T) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Buxar (Town) P.S. Case No. 116 of 2023 for the offence punishable under Sections 21, 22, 27 of the N.D.P.S. Act lodged on 25.2.2023 by the informant, Laxman Singh.

As per the prosecution story, the allegation is that during patrolling intercepted/apprehended the accused persons and so far as this petitioner is concerned, 18.57 gram of heroin like substance in 48 sachets recovered/seized along with mobile and some cash. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has been falsely implicated only because he has similar nature of case earlier under his belt. He further submits that in any case the recovery/seizure is below 250 grams of commercial quantity



for which being a poor person, has remained in custody since 26.2.2023 (para-13 of the petition).

Learned APP opposes the prayer but concedes that the same is below the commercial quantity.

Taking into account the submission put forward by the learned counsel for the petitioner as also the quantity of recovery/seizure, is in custody since 26.2.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District Judge cum Special Court NDPS Act, Buxar, in connection with Buxar (Town) P.S. Case No. 116 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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