

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49684 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- JAYNAGAR District- Madhubani

NAIM @ NAIM SEKH @ MD. NAIM SON OF JAKIR ALI @ JEKER ALI
R/O-NURA MUHAMMAD (NUR MAHAMMAD), MUNSI TOLE, P.S.-
KALIYACHAK, DISTT.-MALDA (WEST BENGAL)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Jaynagar P.S. Case No. 158 of 2023 registered for the offence
under Sections 08, 21 and 22 of the NDPS Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 16.04.2023.

4. The allegation against the petitioner is to
have in possession of 100 gm. contraband i.e. Brown Sugar like
substance, wrapped in white plastic.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner implicated falsely with



present case, who is an innocent cloth merchant, and implicated out of suspicion being involved in business activities. It is submitted that provision of Section 50 of Cr.P.C. not appears to be followed in present case, as regard to search upon person, which is otherwise a mandatory provision available under NDPS Act. It is further submitted that Section 37 of the NDPS Act is not applicable in present case, as recovered quantity of contraband is less than commercial quantity. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as compliance of Section 50 of NDPS Act not appears to be followed in present case, where, recovered quantity of contraband is less than commercial quantity coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 16.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No. 158



of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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