

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56363 of 2023

Arising Out of PS. Case No.-1361 Year-2022 Thana- FORBESGANJ District- Araria

ZAKIR @ MD ZAKIR S/O MD. MURTAZA R/O VILLAGE-
PARMANANDPUR, UTTAR TOLA, PS. RANIGANJ, DIST. ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Special Case No. 54 of 2022 arising out of Forbesganj (simraha) P.S. Case No. 1361 of 2022 for the offence punishable under Sections 21(b) of the N.D.P.S. Act lodged on 25.12.2022 by the informant, Kumar Vikash.

As per the prosecution story, the allegation is that on NH-57, the police on suspicion, intercepted a person who tried to escape but was apprehended and 65.50 grams of *smack* has been recovered/seized. The person concerned-petitioner arrested and FIR lodged.

It is the case of the petitioner that he has not been arrested from the spot. The alleged recovery is from Timon Sheikh and he informed the police that the material was to be delivered on the person whose mobile number was given and it



was of the petitioner herein. Further submission is that any any case the recovery/seizure is much below the commercial quantity of 250 grams and he has suffered by being in custody since 19.6.2023 (para-19 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Taking into account the fact that he has neither been arrested from the spot nor there is any recovery from him, the name has come in the confessional statement of Timon Sheikh, 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 Sessions Judge cum Special Judge, N.D.P.S. Act, Araria, in connection with Special Case No. 54 of 2022 arising out of Forbesganj (simraha) P.S. Case No. 1361 of 2022 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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