

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60373 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- POTHUYA District- Kishanganj

SAJID SAH S/O AKHTAR SAH R/O VILLAGE- CHUCHUYABARI, P.S-
POTHIA, DISTT.- KISHANGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Pothia P.S. Case No. 126 of 2023 for the offence under sections 21(b), 22 of the NDPS Act, 1985 lodged on 03.06.2023 by the informant, Sanjay Prasad.

3. As per the prosecution story, the allegation is that upon checking of the vehicle, a motorcycle was stopped, the accused persons gave name as Sajid Sah and Wahid Alam. Upon search, 100 gm 'Smack' in a polythene was recovered/seized. This followed the FIR and the arrest.

4. Learned counsel for the petitioner submits that the Police has implicated him, is a student, do not have criminal antecedent and for such allegation, has already suffered by being in custody since 04.06.2023 (as stated in paragraph 17 of



the petition).

5. The last submission is that in any case, the recovered quantity is below than the commercial quantity.

6. Learned APP opposes the prayer for bail.

7. Taking into account the submissions put forward by the learned counsels for the parties, the recovered 'Smack' is below the commercial quantity, is in custody since 04.06.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge, cum Special Judge (NDPS) Act, Kishanganj, in connection with Pothia P.S. Case No. 126 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/her 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 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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