

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61797 of 2023

Arising Out of PS. Case No.-294 Year-2023 Thana- BAISI District- Purnia

MOR SHALIM SHEIKH @ MD. MURSALIM @ MORSALIM SHEIKH @
BHATIYA @ MD. MORSALIM SON OF LATE KALU SHEIKH
RESIDENT OF CHAUN PANISADRA, WARD NO.4, P.S. - BAISI,
DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
08.07.2023 in connection with Baisi P.S. Case No. 294 of 2023,
F.I.R. dated 07.07.2023 for the offences punishable under
Sections 8, 20 (b) (ii) (B) and 25 of the N.D.P.S. Act.

3. According to prosecution case, the informant with
the help of police personnel raided the house-cum-scrap shop of
the petitioner and found 1.71 Kg of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from a
bare perusal of the FIR and Seizure list that 1.710 kg of ganja



like substance has been recovered from the scrap shop of the petitioner and there is non compliance of Section 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity and there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. The petitioner is in judicial custody since 08.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS Act, Purnea in connection with Baisi P.S. Case No. 294 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Adnan/-

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