

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67801 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- BAISI District- Purnia

MD. SAJJAD S/O MD. SHAHID ANSARI @ MD. SHAHID Resident of
village- Ward no- 7, Rauta, P.S.- Rauta, District- Purnea (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr.Upendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 31-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
04.06.2022 in connection with Special (NDPS Act) Case
No.35 of 2022 arising out of Baisi P.S. Case No. 224 of 2022,
F.I.R. dated 03.06.2022 registered for the offence punishable
under Sections 8(C),21(b) of the N.D.P.S.Act 1985.

3. Recovery is of 09 Grams of Smack.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from bare perusal of the
FIR as well as the seizure list that 09 grams of Smack has
been recovered from possession of the petitioner and without



F.S.L. report the prosecution has filed the chargesheet against the petitioner and the recovered contraband is less than the commercial quantity and more than the small quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the petitioner is in custody since 04.06.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts, 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 learned 2nd Additional Sessions Judge-cum-Special Judge (NDPS Act), Purnea in connection with Special (NDPS Act) Case No.35 of 2022 arising out of Baisi P.S. Case No. 224 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

Nitesh/-

U		T	
---	--	---	--

