

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73269 of 2023

Arising Out of PS. Case No.-576 Year-2023 Thana- PURNEA SADAR District- Purnia

1. MD. EKRAMUL KHAN @ EKRAMUL KHAN S/O SIRAJ KHAN @ MD. SERAJ VILLAGE- LAKHARNJHARI, ZEROMILE, GULABBAGH, PS. SADAR, DIST. PURNEA
2. MD. IMRAN KHAN S/O SIRAJ KHAN @ MD. SERAJ VILLAGE- LAKHARNJHARI, ZEROMILE, GULABBAGH, PS. SADAR, DIST. PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Special Case No. 79 of 2023/CIS No. 79 of 2023 arising out of Sadar P.S. Case No. 576 of 2023 for the offence punishable under Sections 8(c)/21(b) of the NDPS Act lodged on 26.6.2023 by the informant, Rishi Yadav.

3. As per the prosecution story, upon information that the petitioners are in the sale of 'brown sugar' raided the place and recovered/seized 60.4 grams of 'brown sugar' under the bed of the house. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the alleged recovery is from a joint house but the same has been



attributed to these two petitioners, in any case, it is below the commercial quantity of 250 grams, do not have criminal antecedents and are in custody since 27.6.2023 (para-4 of the petition).

5. Learned APP opposes the prayer stating that there is recovery of 'brown sugar' from the house of the two petitioners.

6. Considering the submission put forward by the parties as also the fact that the recovered materials are below the commercial quantity and they do not have criminal antecedent and are in custody since 27.6.2023, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea, in connection with Special Case No. 79 of 2023/CIS No. 79 of 2023 arising out of Sadar P.S. Case No. 576 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

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

(Rajiv Roy, J)

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