

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.981 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- JOGBANI District- Araria

MD. SALIM @ SALIM @ LASKAR SON OF MD. KARIM R/O
VILLAGE- NARPATGANJ, WARD NO.13, P.S.- NARPATGANJ,
DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Special (NDPS) Case No.32 of 2022 arising out of Jogbani P.S. Case No.300 of 2022 instituted under Section 414 of the Indian Penal code read with Section 21/22 of the NDPS Act lodged on 17.09.2022 by the informant Md. Aftab Alam.

As per the FIR, the informant along with police sleuths reached at the house of Noor Alam @ Manga two persons. As they tried to escape, they were surrounded and on interrogation, they gave their details and/is process of search, 31 gms of smack in as also some Nepali currencies were beside mobile sets were recovered from the house of Noor Alam @ Manga. Accordingly, the FIR.



Learned counsel for the petitioner submits that the recovery is from the bag and not from his conscious possession, he just wanted to leave the place on seeing the police force, but was apprehended. The police also took his L.T.I. forcefully on the blank papers. The last submission is that he is in custody since 18.09.2022 (as stated in para-16 of the petition).

Learned APP opposes the prayer.

Considering the fact that the recovery is of 31 grms of smack as also some Nepali currency, he do not have criminal antecedent and has already remained in custody since 18.09.2022, this Court is inclined to grant him privilege of bail. If, however, it is found that the wrong statement has been made with regard to his criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Special (NDPS) Case No.32 of 2022 arising out of Jogbani P.S. Case No.300 of 2022 to the satisfaction of learned Sessions Judge, Araria, subject to 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 next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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