

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81150 of 2023

Arising Out of PS. Case No.-230 Year-2023 Thana- AMAUR District- Purnia

Mustakim Alam @MD. Mustakim S/O Late Rafique Resident Of Village-
Gerua (GERUAA), P.S.- Amour, Distt.- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Special Case No.
109/2023 (N.D.P.S. Act) arising out of Amour P.S. case No.
230/2023 instituted for the offences under Sections 8(c), 21(B)
of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that during
patrolling duty, on seeing the police, the accused started fleeing
away but was apprehended and during search 7.5 gram of
smack (brown sugar) was recovered.

4. It has been submitted on behalf of the petitioner that
although the petitioner has got three criminal antecedents but he
he is on bail in all of them. Charge-sheet has been submitted



in this case. The petitioner has falsely been implicated in the present case. The petitioner has surrendered in the Court below on 08.07.2023. The same is below the commercial quantity. In the certification, the Magistrate has found only 4.62 grams of smack but as per seizure list, 7.5 gram smack (brown sugar) has been recovered. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 109/2023 (N.D.P.S. Act) arising out of Amour P.S. case No. 230/2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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