

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15024 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- BHIMPUR District- Supaul

Md. Naushad Sheikh @ Md. Naudshad S/O Late Sheikh Gaffar @ Gaffar R/O
Village- Mangalwara Tola Rahta, P.S- Shrinagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with N.D.P.S.
(Spl) Case No. 01 of 2023 arising out of Bhimpur. P.S. Case No.
12 of 2023 dated 22.01.2023 registered for the offence
punishable under Sections 8/20(B) (ii) (c)/ 22(c)/27/29 of the
Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Allegation against the petitioner, is that 5 kg Ganja was
recovered from the Car bearing Registration No. BR11AY9682
of which the petitioner was the owner.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Only on the basis of the fact that the petitioner is the



owner of the said vehicle, he has been made accused in this case. It is submitted that in fact total 66 kg contraband (i.e. *Ganja*) was recovered from the house of Vijay Kumar Mukhiya but police wrongly showed 5kg contraband i.e. *Ganja* from the car of the petitioner also. It is submitted that the said recovery is less than commercial quantity and more than small quantity. It is submitted that the seizure list has not been prepared according to the law. It is further submitted that the said car was standing on the roadside. Lastly, it has been submitted that the petitioner is in custody since 22.08.2023, having one criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, N.D.P.S., Supaul in connection with N.D.P.S. (Spl) Case No. 01 of 2023 arising out of Bhimpur. P.S. Case No. 12 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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