

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23036 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- SAHARGHAT District- Madhubani

Md. Sattar @ Sattar Nut Son of Late Khalil Ansari @ Khalil Miyan Resident
of Village-Rupauli, Police Station-Tariyani Chhapara, District-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate Ms. Divya Bharti, Advocate
For the State	:	Mr. Gulnar Begum, APP

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

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Saharghat P.S. Case No. 149 of 2023 instituted for the offence
under Sections 20 & 22 of the NDPS Act and Sections 25(1-B)a,
26 & 35 of the Arms Act.

3. As per the prosecution case, there is recovery of
one country made pistol, one live cartridge and 1 kg of ganja
from the possession of co-accused, namely, Sami Alam @
Laddu.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-11-2023. Petitioner
bears two criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Sami Alam, and the same has no evidentiary value. Petitioner was not arrested on the spot. Nothing has been recovered from the possession of the petitioner. It is submitted that there is no compliance of Section 100 of the Cr.P.C. The recovered contraband 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. It is lastly submitted that charge sheet has already been submitted in this case.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication, recovered contraband is below commercial quantity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. 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 Saharghat
P.S. Case No. 149 of 2023.

(Rudra Prakash Mishra, J)

Raj kishore/-

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