

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19674 of 2024

Arising Out of PS. Case No.-1361 Year-2022 Thana- FORBESGANJ District- Araria

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Temon Seikh @ Timon Sek S/o- Aalif Sekh Village- Krishnapur Chama
Block No-3, Ps- Bostoman Nagar Dist- Malda W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 28-06-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Special Case No. 54 of 2022 arising out of Forbesganj (simraha) P.S. Case No. 1361 of 2022 for the offence punishable under Sections 21(b) of the N.D.P.S. Act lodged on 25.12.2022 by the informant, Kumar Vikash.

3. As per the prosecution story, the allegation is that on NH-57, the police on suspicion, intercepted a person who tried to escape but was apprehended and 65.50 grams of *smack* has been recovered/seized from this petitioner. He was arrested and F.I.R. lodged.

4. Learned Counsel for the petitioner submits that he do not have criminal antecedent and only due to enmity, he was implicated. He submits that in any case, the recovery is 65.50



gm of smack whereas the commercial quantity is 250 gm, he is in custody since 26.12.2022 (paragraph-1 to the petition).

5. Learned APP though opposes the prayer for bail accepts that the commercial quantity is 250 gm.

6. Taking into account the aforesaid facts as also that the quantity recovered/seized is less than the commercial one, he is in custody since 26.12.2022 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. However, if it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, N.D.P.S. Act, Araria, in connection with Special Case No. 54 of 2022 arising out of Forbesganj (simraha) P.S. Case No. 1361 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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