

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19225 of 2024

Arising Out of PS. Case No.-801 Year-2023 Thana- PURNEA SADAR District- Purnia

Md. Khurshid Ahmad S/o Late Md. Fakruddin R/o Jafribag, ward no. 40, P.S.
- Sadar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate

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

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

ORAL ORDER

3 02-04-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Sadar P.S. case No.
801 of 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 when the
police party reached the house of the petitioner, on seeing
them, the petitioner started to flee away but was
apprehended by the police. On search, 36.6 gram
smack/brown sugar was recovered kept in plastic bag.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



the present case. The petitioner is in custody since 24.09.2023 and has got one criminal antecedent. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. 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. Learned counsel for the petitioner also submits that the same occurrence, one Sadar P.S. case No. 802 of 2023 was lodged under Section 25(1-b)a and 26 of the Arms Act. Learned counsel for the petitioner lastly submitted that cognizance has already been taken in this case and the case is fixed on the point of charge.

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 and the recovered contraband being below commercial quantity, 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 Sadar P.S. case No. 801 of 2023.

(Rudra Prakash Mishra, J)

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