

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45380 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- SONBERSA District- Sitamarhi

Abdur Rahman @ Abdul Rahaman Son Of Afaque @ Md. Afaque Mahroom
Resident Of Village - Mehsaul Got, Ward No.- 04, P.S. - Sitamarhi, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Sonbarsa P.S. Case No. 14 of 2024 for the offence punishable under Sections 21(b) and 21(c) of the N.D.P.S. Act, lodged on 09.01.2024 by the informant, Vijay Kumar.

3. As per the prosecution story, the police on secret information from Intelligence Branch intercepted a tempo and there is recovery/seizure of Win Cirex Cough Syrup 120 bottles, Codedyl-T Cough Syrup 600 bottles and Codilwell Cough Syrup 100 bottles. This led to the F.I.R.

4. Learned counsel for the petitioner submits that the total recovery/seizure of different bottles if transferred in gram, it comes to 8.20 which is much below the commercial quantity.

The petitioner do not have criminal antecedent and he is not the owner of the tempo which belongs to Md. Munna Sheikh and being the driver, had no knowledge that the passenger has left out the materials which led to his implication. His long custody has put his family in starvation, he being the only bread earner of his family.

5. Learned A.P.P. opposes the prayer for bail and submits that the recovery/seizure is from the tempo.

6. Taking into account the aforesaid submissions put forward by the parties, as also the fact that the recovery/seizure is below the commercial quantity, he has remained in custody since 10.01.2024, has no criminal antecedent and will diligently be appearing in the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) with two sureties of like amount each to the satisfaction of learned Special Judge, Sitamarhi, in connection with Sonbarsa P.S. Case No. 14 of 2024, subject to the following conditions:

(i) one of the bailors should be the family member/relative 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 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;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J.)

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