

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34098 of 2024

Arising Out of PS. Case No.-736 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

=====

Md Chand @ Chand son of Md. Salim Resident of Gaushala, Ward No. 2,
P.S.- Murliganj, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Special Case No. 26 of 2024 arising out of K. Nagar P.S. Case No. 736 of 2023 for the offence punishable under sections 8(c), 21(c) and 25 of the N.D.P.S. Act lodged on 27.12.2023 by the informant, Sanni Kumar.

3. As per the prosecution story, the informant in course of checking of the vehicle, intercepted a pick-up van and recovered/seized 47 cartoons of codeine cough syrup (4700 bottles of 100 ml each) which led to the FIR/arrest.

4. Learned counsel for the petitioner submits that the NDPS Sections have not been complied in the alleged recovery/seizure/arrest. Further, in any case, the total quantity



comes to around 94 grams which is below the commercial quantity of one kilogram, he is in custody since 27.12.2023 (paragraph-14 of the petition) and have no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that 47 cartoons of codeine have been recovered without any paper.

6. Considering the facts of the case and the submissions put forwarded by the parties as also that it is below the commercial quantity, he has remained in custody since 27.12.2023, do not have any criminal antecedent and it has been undertaken by the learned counsel for the petitioner that he shall be diligently appearing in trial. In that background, 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/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea, in connection with Special Case No. 26 of 2024 arising out of K. Nagar P.S. Case No. 736 of 2023 subject to the following conditions:

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

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

