

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43985 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- KURSAKANTA District- Araria

Ziyaul Haque Son Of Md. Nazir, R/o Village- Megha Ward No. 04, Asur Kala
Khola, PS- Kuwari (Kursakanta) Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody since 16.02.2024 in connection with Kursakanta Kuwari OP P.S. Case No. 23 of 2024 registered for the offences punishable under Sections 8 and 21(b) of the N.D.P.S. Act.

3. Allegedly, on a secret information, the police personnel apprehended the petitioner and on search 10 gm. smack like substance was recovered from his possession.

4. There is total denial of recovery on behalf of the petitioner. It is submitted that the name of the petitioner has been implicated in this case due to an altercation with the S.S.B. personnel over crossing the border. That apart, there is no compliance of Sections 42 and 50 of the NDPS Act. Moreover,



even as per the allegation, though the alleged recovered substance is excess to the small quantity but much lesser than the commercial quantity and, as such, the rigor provided under Section 37 of the NDPS Act would not be applicable in the present case. It is also submitted that now the investigation of the crime is complete and the charge-sheet has been submitted. The petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the alleged recovery was made from the possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery of smack like substance is much below the commercial quantity and now the petitioner has remained in custody for about five months having fair antecedent, let the petitioner, named above, 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 learned Sessions cum the Special Judge, NDPS Act, Araria in connection with Kursakanta Kuwari OP P.S. Case No. 23 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with



further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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