

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49756 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- PURNEA SADAR District- Purnia

MD. NAFIS ALAM @ MD. NAFIS @ NAFIS ALAM SON OF
IMAMUDDIN RESIDENT OF VILLAGE - SABUTAR, WARD NO.9, P.S. -
K. NAGAR, DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Sadar
P.S. Case No. 30 of 2024 instituted for the offences under
Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 52 grams of
brown sugar has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 10.01.2024 and has two criminal antecedents.
There is no allegation of tampering of witnesses alleged against
the petitioner. No incriminating material has been recovered



from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and 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.

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, recovered contraband being less than commercial quantity as also the period of custody undergone by the petitioner, 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. 30 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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