

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43948 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- NARPATGANJ District- Araria

Bigyan Sah @ Bigyan Shah son of Krishna Sah, R/o Village- Chatar Line
Ramdhuni Nagar Palika Jhumka, PS- Ramdhuni Dist- Sunsari (Nepal)
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, 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 06.03.2024 in connection with Narpatganj P.S. Case No. 136 of 2024 registered for the offence punishable under Section 21(b) of the N.D.P.S. Act.

3. In course of patrolling duty, the sepoy of S.S.B. apprehended the petitioner and on search, 170 capsules of Tramadol Hydrochloride each containing 50 mg. recovered from his possession.

4. The learned counsel for the petitioner submitted that apart from various other discrepancies in the search and seizure, even for the sake of argument, the smaller quantity of Tramadol Hydrochloride stands 5 gm. whereas as per the allegation, from the possession of the petitioner, 8.5 gm.



Tramadol Hydrochloride was recovered. He thus submitted that though it is more than small quantity but much less than commercial quantity, which is 250 gm. as per the scheduled prescribed under the NDPS Act. It is further contended that now the investigation has already complete and the charge-sheet has been submitted. Moreover, the petitioner bears fair antecedent.

5. On the other hand, the learned counsel for the State opposed the bail application and submitted that the recovered substance is more than small quantity.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and the medicine containing Tramadol Hydrochloride is also used for the purposes of treatment though it is a banned drug in some places; there is no application of Section 37 of the NDPS Act, coupled with the fair antecedent of the petitioner, 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 Narpatganj P.S. Case No. 136 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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