

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53302 of 2024**

Arising Out of PS. Case No.-20 Year-2024 Thana- GARVANDANGA District- Kishanganj

1. Abdul Haque @ Abdul Son of Late Hasimuddin Resident of village - Mirbhitta, P.S.- Pawakhali, District - Kishanganj.
2. Abdul Sattar @ Sattar Son of Late Liyakat Ali Resident of village - Mirbhitta, P.S.- Pawakhali, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate  
For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      23-10-2024                      Heard Mr. Ram Pravesh Kumar, learned counsel for the petitioners and Mr. Bharat Bhusan, learned APP for the State.

2. The petitioners are in custody in connection with Garvandanga P.S. Case No. 20 of 2024 for the offence under Sections 8, 17(a), 18(a) of the N.D.P.S. Act lodged on 28.05.2024 by the informant, Shikandar.

3. As per the prosecution story, the informant who is Police Officer of S.S.B., upon information, intercepted the accused persons and found black plastic having 82 grams of opium in it. Accordingly, the motorcycle and the opium were sized and the F.I.R.



4. Learned counsel for the petitioners submit that they do not have criminal antecedent, the recovery/seizure is 82 grams of opium which in any case is below the commercial quantity and they are in custody since 28.05.2024 (para-15 of the petition).

5. Learned APP opposes the prayer for bail submitting that upon interception, there is a recovery of opium from the accused persons though it is below the commercial quantity.

6. Though the allegation of seizure of opium from these petitioners is there, as per learned APP himself, the same is below the commercial quantity, they are in custody since 28.05.2024 (para-15 of the petition) and having no criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

7. If, however, it is found that the petitioners have criminal antecedent, the present order shall become infructuous.

8. Let the petitioners 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 Sessions Judge-Cum-Special, (NDPS Act), Kishanganj, in connection with Garvandanga P.S. Case No. 20 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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 bail bond.

(v) the petitioners 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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