

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60970 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- DARBHANGA District- Darbhanga

Md Prince @ Ajaj Ali, S/o- Md Akhtar, R/o Village- Neem Chaulk Urdu, P.S.-
Laheriasaria, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mrs. Madhubala Verma, Advocate
For the Opposite Party/s :		Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard Mr. N. K. Agrawal, learned Senior Advocate

along with Mrs. Madhubala Verma, learned Advocate for the

petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Town P.S. Case No. 31 of 2024 registered for
the offences punishable under Sections 8(c), 21(c), 29 and 35 of
the Narcotic Drugs and Psychotropic Substances Act
(hereinafter referred to as ‘the NDPS Act’).

3. The police in course of patrolling, on a secret
information intercepted two persons, who were riding on a
motorcycle, however, noticing the police one of them succeeded
in fleeing away. The petitioner was apprehended at spot and on
search various prohibited medicines were recovered.



4. Learned Senior Advocate for the petitioner drawing the attention of this Court contended that the bag containing medicines belong to the co-accused person, who succeeded in fleeing away after noticing the police party, but only on being apprehended, the name of the petitioner has been implicated in this case. It is further contended that even the seizure list, which contains the names of the medicines, some of them are not even prohibited medicines falling under the Schedule of the NDPS Act. The name of the petitioner has been implicated in this case only on account of one past criminal antecedent of identical nature. It is also the contention of the learned Senior Advocate that charge-sheet has been submitted without there being any FSL report and, as such, the entire prosecution suffers from illegality. Be that as it may, now the petitioner has been incarcerated since 10.02.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that various prohibited medicines have been recovered from the possession of the petitioner, coupled with his one criminal antecedent of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the



investigation of the crime is complete and charge-sheet has been submitted, but without there being FSL report, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI- cum Special Judge (NDPS) Darbhanga in connection with Town P.S. Case No. 31 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 be liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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