

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73552 of 2024**

Arising Out of PS. Case No.-277 Year-2024 Thana- SURSAND District- Sitamarhi

Md. Ehsan son of Md. Mustafa Village- Pupri Garha, Ward no. 7, Ps- Pupri  
and Dist- Sitamarhi ... .. Petitioner/s

Versus

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

**Appearance :**

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

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      04-10-2024                      Heard Mr. Anil Kumar, learned counsel for the  
  
petitioner and Ms. Gulnar Begum, learned Additional Public  
  
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
11.06.2024 in connection with Sursand P.S. Case No. 277 of  
2024, F.I.R. dated 10.06.2024 for the offences punishable under  
Sections 399, 402/34 of the Indian Penal Code, Sections 25(1-  
b)a, 26 and 35 of the Arms Act and Sections 8 and 20 (b) (ii)  
(A) of the N.D.P.S. Act.

3. According to prosecution case, the informant has  
apprehended this petitioner along with other accused persons on  
the basis of secret information and on search, 1 kg ganja and  
one mobile phone have been recovered from the possession of  
this petitioner and several other articles have been recovered  
from the possession of the other accused persons.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that 1 kg of Ganja and one mobile phone have been recovered from the possession of the petitioner. He further submits the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. Apart from that the similarly situated co-accused, namely, Md. Mahtab Alam has been granted bail by this Court vide order dated 25.09.2024 passed in Cr. Misc. No. 67567 of 2024 and co-accused persons, namely, Santosh Kumar and another have been granted bail by this Court vide order dated 25.09.2024 passed in Cr. Misc. No. 67401 of 2024. He lastly submits that the police after investigation submitted a chargesheet against the petitioner and the petitioner is in custody since 11.06.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the recovered contraband is less than the commercial quantity, petitioner has clean antecedent and other accused persons have been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS, Sitamarhi in connection with Sursand P.S. Case No. 277 of 2024, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

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