

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75208 of 2024

Arising Out of PS. Case No.-158 Year-2023 Thana- THawe District- Gopalganj

Mohammad Saif Alam @ Dollar Son of Parvej Alam Resident of Village -
Bedu Tola, P.O. and P.S. - Thawe, District- Gopalganj - 841440

... .. Petitioner/s

Versus

1. The Union of India through NCB Bihar.
2. The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Utkarsh Bhushan, Adv. Mr. Akshay Ashish, Adv.
For the U.O.I.	:	Mr. Sanjeet Kr. Tiwari, C.G.C.
For the State	:	Dr. Manoj Kumar, APP

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

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Thawe
P.S. Case No. 158 of 2023 instituted for the offences under
Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
12.700 gram smack from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that as a matter of fact the petitioner is under
treatment for mental and behavioral disorder due to multiple



drug use and use of other psychotic substances and has never indulged in boarding or trafficking or any kind of illegal business of smack in any manner. He further submits that the police personnel forcefully took signature of the petitioner on plain paper and, later on, converted into seizure list. The quantity of contraband recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has one criminal antecedent and is languishing in judicial custody since 07.06.2023 without any rhymes or reason. Charge-sheet has been submitted in this case and cognizance has been taken against the petitioner under Section 21(b) r/w 8(c) of the NDPS Act. Charges against the petitioner has also been framed for offence under Sections 21(b) r/w 8(c) of the NDPS Act.

5. On the other hand, learned A.P.P. for the State and the Union of India have vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Thawe P.S. Case No. 158 of 2023. subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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