

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76851 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- BHANGWANPUR HAT District- Siwan

Md. Tabarak Hussain @ Tabarak Hussain Son of Md. Kasim village- Ganauli,
Ps- Mashrakh, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard Mr. Fakhruddin Ali Ahmad, learned counsel
for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Bhagwanpur Hatt P.S. Case No. 308 of 2024 for the offences punishable under Sections 317 of BNS and Sections 8/20/21(b)/22 of the NDPS Act, lodged on 29.07.2024 by the informant, Ritesh Kumar Mandal.

3. As per the prosecution story, the informant alleged that upon knowledge that the accused persons are selling contraband items, the place was raided and further apprehended Dablu Tiwari @ Radheshyam Tiwari and Md. Tabarak Hussain (the petitioner herein). On search, from the hand-bag, there is recovery/seizure of 21.98 mg smack. From this petitioner, the motorcycle as also mobile phone were recovered. Accordingly, the FIR.



4. Learned counsel for the petitioner that the bag belongs to Dablu Tiwari which is part of the record, though they failed to provide documents to the police regarding motorcycle, the fact remains that it was purchased from Jai Prakash Tiwari, the original owner but the transfer could not take place. Further, he has no criminal antecedent and the recovery/seizure is below the commercial quantity of 25 Gms. The last submission is that he is in custody since 30.07.2024 (para-15 of the petition).

5. Learned APP opposes the prayer submitting that the stolen motorcycle as also smack have been recovered/seized.

6. Taking into account the aforesaid submissions put forward by the parties and also the fact that he does not have criminal antecedent and is in custody since 30.07.2024, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;



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

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner 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 the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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