

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76831 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- PATHAMARI District- Kishanganj

Irshad Alam @ Irsad Alam son of Tajemul Rahman @ Tajemul Husan
Resident of village - Padampur, Ward No.4, P.S. - Garwandanga, District -
Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
Mr. Sarvottam Kumar, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard Mr. Sarvottam Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Pathamari P.S. Case No. 23 of 2024 for the offence punishable
under sections 8(c), 21(b) and 29 of the N.D.P.S. Act lodged on
08.09.2024 by the informant, Prakash Chandra Rai.

3. As per the prosecution story, the informant alleged
that on information, he reached the place and apprehended the
accused persons. The allegation is that one Pithu @ Jahangir as
also Saddam escaped while from Mukaram there is
recovery/seizure of Rs. 3,700/- and a mobile phone and further,
there is recovery/seizure of Rs. 45,770/-, the electric weighing
machine and a mobile phone from this petitioner. Further, from



a plastic bag, there is recovery of 99 grams morphine (*afim*), this led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that nothing has been recovered from his conscious possession rather from the plastic bag which cannot be attributed to him. Further, the same is below the commercial quantity of 250 grams.

5. Learned APP opposes the prayer for bail though accepts that the same is below the commercial quantity.

6. Considering the aforesaid submissions put forwarded by the learned counsel for the petitioner as also the fact that he is in custody since 08.09.2024 (paragraph-4 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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 Session Judge-cum-Special Judge (NDPS Act), Kishanganj, in connection with Pathamari P.S. Case No. 23 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her 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 fortnight for 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)

Adnan/-

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