

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78496 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- SIKTI District- Araria

Subhan Ali son of Late Ismile village- Pipra Bazar, Ward no. 10, ps- Palasi,
Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Naushaduzzoha, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Sikty P.S. Case No. 123 of 2024 for the offence punishable under Sections 21, 22 of the NDPS Act lodged on 11.08.2024 by the informant, Vishnu Pada Ghosh.

3. As per the prosecution story, the informant alleged that while patrolling, it intercepted a Scooty and there is recovery/seizure of 73 bottles codeine syrup. This led to the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated. The actual quantity of 73 bottles come to 7.3 liters which in milligram considering to the commercial quantity of one kg. He is in custody since 12.08.2024 (para-4 of the petition).



5. Learned APP opposes the prayer submitting that he has criminal antecedent but concedes that it is below the commercial quantity.

6. Taking into account the aforesaid submission put forward by the parties as also his period of custody and further, an undertaking has been given that he will be diligently appearing in trial, 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) with two sureties of like amount each to the satisfaction of learned Sessions cum the Special Judge, NDPS Act, Araria, in connection with Sikty P.S. Case No. 123 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 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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