

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83687 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- PATHAMARI District- Kishanganj

NAZIR HUSSAIN @ NAZIR SON OF LATE HAKIMUDDIN R/O
BHOGDABAR, P.S.- PATHAMARI, DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Pathamari P.S. Case No. 24 of 2023 registered for the offences punishable under Sections 8, 20(b)(ii)(B) of N.D.P.S. Act.

3. As per prosecution case, petitioner is said to have apprehended alongwith motorcycle by the S.S.B. personnel and on search, 1.400 kg. ganja has been recovered from possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case due to conspiracy of some local interested person. Basically, the alleged recovery has not been made from



conscious possession of the petitioner. Petitioner is in custody since 04.09.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that alleged recovery of 1.400 kg. ganja from possession of the petitioner is much less than commercial quantity as per N.D.P.S. notification.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Pathamari P.S. Case No. 24 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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