

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82103 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- KASBA District- Purnia

Md. Sakir @ Md. Shakir Son of Md. Ansur Resident of village- Khairuganj
Bangama, Police Station- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the State : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kasba P.S. Case No. 175 of 2024 for the offences punishable under Sections 8(c), 21(c) and 25 of the Narcotics Drugs & Psychotropic Substance Act, lodged on 28.07.2024 by the informant, Shambhu Prasad.

3. As per the prosecution story, the informant alleged that during patrolling, upon information, intercepted Pick-Up Van and there is recovery/seizure of 600 liters of Eskuf Cough Syrup containing codeine besides a mobile and this petitioner was arrested and he also gave the name of Ashok Paswan, Nasir Akhtar, Manohar Kumar Jha, Suraj Kumar with further allegation that it belongs to Md. Nasim Akhtar and brought from the godown of Manohar Kumar Jha, this led to the F.I.R.



4. Learned counsel for the petitioner submits that he do not have criminal antecedent, belongs to respectable family, is in custody since 28.07.2024. He submits that in any case, it comes to 60 gm which is much below the commercial quantity envisaged in the NDPS Act, 1985.

5. Learned APP for the State opposes the prayer submitting that recovery/seizure has been made from the petitioner.

6. Taking into account the submissions put forward by the parties as also the fact that he has no criminal antecedent and is in custody since 28.07.2024, the recovery/seizure is below the commercial quantity, in that background, this Court is inclined to extend him the privilege of bail.

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 Special Judge (N.D.P.S. Act), Purnea in connection with Kasba P.S. Case No. 175 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 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 next six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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