

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83133 of 2024

Arising Out of PS. Case No.-756 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Md. Imteyaz @ Sonu Son of Md. Kalam @ Mohammad Kalam Resident of
Village- Jani Bazar, Police Station- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawaz Shareef, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sasaram (T) P.S. Case No. 756 of 2024, instituted for the offences punishable under Sections 8(c), 21(b) and 22(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 8.32 gm brown sugar from an E-rickshaw.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not owner, rather he was driver of the said vehicle in question and he was oblivious of the fact regarding the goods loaded in the vehicle. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 10.09.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 13.11.2024 passed in Cr. Misc. No. 79713 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Sasaram (T) P.S.
Case No. 756 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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