

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80926 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- PUWAKHALI District- Kishanganj

Naushad Alam @ Noushad Alam Son of Nuruddin @ Nuruddin Sheikh
Resident of Village- Kamat PS- Garvandanga District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Powakhali P.S. Case No. 54 of 2024 for the offence punishable under sections 8(c), 21(b) and 29 of the N.D.P.S. Act lodged on 18.09.2024 by the informant, L. Priyo Barta Singh.

3. As per the prosecution story, the Police upon confidential information, intercepted a motorcycle. The accused tried to escape but apprehended and there is recovery/seizure of 48.62 grams of morphine. This led to the FIR/arrest.

4. Learned counsel for the petitioner submits that the motorcycle belongs to Imtiyaz Alam, he was a pillion rider, had no knowledge about the presence of morphine and in any case, it is below the commercial quantity of 250 grams. Further, he is in custody since 18.09.2024 (paragraph-4 of the petition).



5. Learned APP opposes the prayer for bail submitting that morphine has been recovered/seized.

6. Considering the submissions put forwarded by the parties as also the fact that he does not own the motorcycle, further, it is below the commercial quantity and is in custody since 18.09.2024, 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 Sessions Judge-cum-Special Judge, (NDPS Act), Kishanganj, in connection with Powakhali P.S. Case No. 54 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/-

U		T	
---	--	---	--

