

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82262 of 2024

Arising Out of PS. Case No.-222 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

SARFUDDIN FARUKI SON OF SABJAN FARUKI VILLAGE -
BELAUNDI, POST- BELAUNDI, P.S MOHANIA, DIST.- KAIMUR
(BHABUA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

For the Petitioner/s : Mr.Vinod Kumar Seth, Adv.
For the Opposite Party/s : Mr.Jagdhhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

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

2. The petitioner has preferred this application for grant of regular bail in connection with Mohania corresponding to N.D.P.S. 42/2023 P.S. Case No. 222 of 2024 dated 13.04.2024 registered for the offences punishable u/ss 8(c) and 21(a) of N.D.P.S. Act.

3. As per the prosecution case, two pieces of Buprenorphine Injection Dolphine each of 2 ml i.e. total 4 ml was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the seized contraband is of small quantity i.e. 4 ml which comes under the purview of the N.D.P.S. Act. It is further submitted that as per entry 169 of the list of the N.D.P.S. Act, the small quantity of Buprenorphine is 1 gm. and the commercial quantity is 20 gms. The co-accused person has



already been granted regular bail by this court vide order dated 28.08.2024 passed in Cr. Misc. No. 49249 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 222 of 2024 corresponding to N.D.P.S. 42/2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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