

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84167 of 2024

Arising Out of PS. Case No.-496 Year-2024 Thana- ARARIA District- Araria

Noorsadi @ Noorshadi @ Nursadi Son of Late Mustaque Resident of Village
- Gaiyari, Ward No. 5, P.S. - Araria, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Naushaduzzoha, Advocate
For the State : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-12-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Araria P.S. Case No. 496 of 2024 for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act, lodged on 24.09.2024 by the informant, Sanjeev Kumar.

3. As per the prosecution story, the informant alleged that upon information, the fruit shop was raided and there is recovery/seizure of 11 gram smack like substance along with Rs.6,100/- in cash. This led to the F.I.R.

4. Learned counsel for the petitioner submits that only because of criminal antecedent the police implicated, he is a food seller and had absolutely no role to play in the alleged recovery. He further submits that in any case, the recovery is below the commercial quantity of 250 gram, if granted relief, he



shall be diligently appearing in trial.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the aforesaid facts as also is period of custody since 24.09.2024 coupled with the fact that the seized quantity is below the commercial quantity, he has undertaken to diligently appear in trial, 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. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 496 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 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 bail bonds.

(Rajiv Roy, J)

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