

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85905 of 2024

Arising Out of PS. Case No.-356 Year-2024 Thana- AAJAM NAGAR District- Katihar

Sarfراز S/O Charag Alam Resident of Village- Azam Nagar Dakshin Tola,
P.S.- Azam Nagar, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Azam
Nagar P.S. Case No. 356 of 2024 instituted for the offences
under Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 3.510 grams of
Smack has been recovered in this case, out of which 1.20 grams
of smack has been recovered from this petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 23.09.2024 and has no criminal antecedent. There



is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below small quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 quantity of the recovered contraband being less than the small quantity as also the period of custody undergone by the petitioner, 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 Azam Nagar P.S. Case No. 356 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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